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## Article 14-5: OVERLAY ZONING DISTRICTS

### 14-5.1 GENERAL PURPOSE; RELATIONSHIP TO GENERAL USE ZONING DISTRICTS

The overlay zoning districts of this article are intended to apply in combination with the underlying ~~general use~~ zoning districts of Article 14-4 to impose regulations and standards in addition to those required by the underlying general use districts. When the requirements of an overlay district shall apply whenever they are in conflict with those of the underlying general use district or those of another overlay district, the more restrictive limitation or requirement shall control. The following overlay districts are hereby created:

- (A) Historic Districts;
- (B) Archaeological Review Districts;
- (C) Arts and Crafts District;
- (D) Highway Corridor Protection Districts;
- (E) Escarpment Overlay Districts;
- (F) PUD Planned Unit Development District; and
- ~~(G) Residential Suite Hotel/Motel District; and~~
- (G) Ecological Resource Protection District.

Any rezoning requirements set forth in this Article 14-5 are in addition to the requirements set forth in §14-3.5, which apply to all rezonings.

~~(Ord. No. 2001-38 § 2; Ord. No. 2002-37 § 22; Ord. No. 2006-61 § 1)~~

**Comment [JBC1]:** As requested by GSmith, needed clear rule for conflicts between overlay district standards and base district standards ...

**Comment [JBC2]:** As suggested by Clarion, clarifying the various overlay districts relationship to one another, and specifically which controls in case of conflict.

**Comment [JBC3]:** To avoid spot-zoning concerns, it makes more sense to have residential suite hotel/motel be a conditional use in the SC-1 and SC-2 districts. The specific standards associated with the use will be moved to 14-6.2... Existing RS overlay will be grandfathered...

**Comment [JBC4]:** From PUD section, deleted: "Rezoning to Planned Unit Developments shall follow the general rezoning procedure set forth in §14-3.5, as well as the specific provisions set forth in this section. In the case of any conflict, the provisions of this section control" and moved here with some tweaking to give broader applicability to rezoning requirements listed throughout 14-5...

### 14-5.2 HISTORIC DISTRICTS

- (A) General Provisions

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(1) General Purpose

In order to promote the economic, cultural, and general welfare of the people of the City and to ensure the harmonious, orderly and efficient growth and development of the City, it is deemed essential by the Governing Body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;
- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

(2) Application to State of New Mexico and Any of Its Agencies, Political Subdivisions or Instrumentalities

Pursuant to §3-22-1 through 3-22-5 NMSA 1978, it is the intent of the City of Santa Fe that the provisions of this section shall apply to the state of New Mexico and any of its agencies, political subdivisions or instrumentalities, as well as to any other entity or activity in the Historic Districts.

(3) Boundaries

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The boundaries for the Historic District are as shown on the map attached hereto and incorporated herein to the Historic District Ordinance, set out as Exhibit "D~~C~~",<sup>1</sup> and as shown on the official map, located in the City Planning and Land Use Department.

#### (4) Design of Buildings

Full responsibility for the design and development of structures is left to the applicant; however, the file of previously approved applications shall be made available to the applicant.

#### (5) Zoning District Regulations

The property in an Historic District shall be subject to the requirements, uses, and other regulations of the zoning district of which the property is a part, except for height as regulated in §14-5.2(D).

#### (6) Nonconforming Structures

Any building in the Historic District not meeting the standards for architectural style set forth in this section, unless given special approval by the Board for architectural or historic interest or unless individually entered in the state register of cultural properties or in the national register of historic places or designated as significant on either register, shall be considered nonconforming. Except for repairs and maintenance required by law, no nonconforming building may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a degree of conformity acceptable to the board. Structures other than buildings, including signs, not conforming to the architectural style or sign standards set forth in this section shall be considered nonconforming. No alteration or repair may be made of any such structure other than its removal. No nonconforming structure in the Historic District, which has been damaged by fire, explosion, act of God or the public enemy to the extent of

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<sup>1</sup>[The Historic Districts Ordinance Map is set forth in the Appendix to this chapter as Exhibit C and is incorporated herein by reference.](#)

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more than 50 percent of its value, exclusive of basement or cellar, shall be restored except in conformity with the requirements of this section.

(B) Minimum Maintenance Requirements

All buildings and structures in the Historic District over which the Board has jurisdiction to determine whether a demolition permit should be approved or denied shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have any of the following defects:

- (1) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
- (2) Deteriorated or inadequate foundation;
- (3) Defective or deteriorated flooring or floor supports or flooring for floor supports of insufficient size to carry imposed loads with safety;
- (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

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(7) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

(10) Deteriorated, crumbling or loose plaster;

(11) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

(12) Defective or lack of weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering; or

(13) Any fault or default in the building or structure that renders the same structurally unsafe or not properly watertight.

(C) Regulation of Significant and Contributing Structures in the Historic Districts

(Ord. No. 2004-26)

(1) Purpose and Intent

It is intended that:

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- (a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;
  - (b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;
  - (c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and
  - (d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.
- (2) Designation of Significant, Contributing, or Noncontributing Status within Historic Districts
- (a) Status Designation
- Structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing" based upon the definitions of these terms in Article 14-12. Staff shall maintain a record as to the current status of structures located in the Historic Districts.
- (b) Board Authority to Review Status Designation
- (i) The Board is authorized to change the status of a structure or to designate a status for a structure with no status designated.

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(ii) A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing".

(c) Initiation of Review of Status Designation

The Board may review the status designation in response to the following:

(i) An application for construction or demolition as set forth in Section 14-5.2 as follows:

A. Prior to the application being placed on a Board agenda or prior to issuance of a building permit, if Board approval is not required, staff shall determine whether or not the Board should review the status of the structure. Staff's determination shall be made within 30 days of submittal of the application. If staff's determination is not completed within the 30 days, the application shall be forwarded to the Board. Review by the Board as to the structure's status shall be made at the earliest practicable date. The Board or staff (as applicable) may consider the application immediately following the determination of status. The application shall be reviewed based upon the status of the structure following the determination of status.

B. Prior to action by the Board on the application, the Board itself may decide to review the status of the structure. The Board's determination as to the status shall be made within 45 days of the decision of the Board to review the status. The Board or staff (as applicable) may consider the application immediately following the determination of the status. The application shall be reviewed based upon the status of the structure following the determination of status.

(ii) A request from the property owner; or

(iii) A request initiated by the City. Staff shall notify the property owner prior to initiating the request.

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(d) Notice of Board's Review of Status

(i) Staff shall mail notice, certified mail return receipt requested, to the property owner of the subject property no less than 15 days prior to the Board's review of a change in or designation of status.

(ii) In addition, staff shall mail notice, certified mail return receipt requested, to all property owners within 100 feet of the subject property no less than 15 days prior to the Board's review of a change in or designation of status if the review may result in the lowering of the structure's status.

(iii) With the consent of the property owner, the City shall have posted on the property a poster obtained from the Land Use Department. Otherwise, the City shall post the poster on the nearest place available to the City. Such poster shall be securely posted, prominently displayed, visible from a public street, at least 14 days prior to the scheduled Board hearing. The posting shall indicate the nature of the application, identification of the property affected and the time, date and place of the hearing. The poster shall be removed within 30 days of final action. Failure to do so may result in the City removing the sign at the applicant's expense. A civil fee of \$50.00 will be charged. (Ord. No. 2005-31 § 4; Ord. No. 2007-45 § 30)

(e) Appeals

Decisions made by the Board regarding a structure's status may be appealed to the governing body as set forth in Section 14-3.17(D)(2).

(f) Restoration of Status

If a property owner makes changes to a structure without the proper City approvals which result in the lowering of the structure's status, staff or the Board may require the property owner to restore the structure such that its former status is restored.



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(g) Report to the Governing Body

Staff shall report annually, beginning in August 2005, all decisions made by the Board regarding a structure's status.

(3) Review by Historic Board Required

(a) Except where this chapter provides for review by staff, the Historic Design Review Board shall review all applications for new construction, alteration, or demolition in the Historic Districts, and of landmark structures throughout the City, based on the standards set forth in this §14-5.2. (Ord. No. 2002-37 §23)

(b) The Historic Board may approve an application for alteration or for new construction on the condition that changes relating to exterior appearance recommended by it be made in the proposed work. In such case, no permit shall be issued until new exhibits, satisfactory to the Board have been submitted.

(4) Compliance with General and Specific Design Standards Required

All development located within the Historic Districts and subject to this §14-5.2 shall comply with all applicable general development standards set forth in §14-5.2(D), as well as any applicable specific development standards set forth in §§14-5.2(E) through (I).

(5) Exceptions

Staff shall determine whether an exception to this section is required. The Historic Board may grant an exception to the regulations set forth in this section provided that such exception does not exceed the underlying zoning.

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(a) Height

If the applicant requests approval of a height in the Historic District that exceeds the underlying zoning district requirement, the applicant shall first receive an exception to this §14-5.2. If approved by the Historic Board, the applicant shall proceed to the Board of Adjustment or other applicable City body for consideration of the proposed variance.

(b) Design Standards and Signage

The Board may recommend exceptions to §§14-5.2(D)(1-8, 10-11) and 14-5.2(E) through (I) for construction or alterations within the Historic District. The recommendation for exceptions shall be made to the Governing Body. Procedures for public notice and hearing before the Governing Body shall be as set forth in §14-3.6(B)(3). Exceptions are project specific and do not apply to the subject property in perpetuity. If approved by the Governing Body, the Inspections and Enforcement Office shall accept and review an application for, and issue, as appropriate, a building permit. The applicant for such exceptions shall conclusively demonstrate and the Board shall make a positive finding of fact that such exceptions comply with all the criteria listed as follows:

- (i) Do not damage the character of the district;
- (ii) Are required to prevent a hardship to the applicant or an injury to the public welfare; and
- (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts.

(c) Height, Pitch, Scale, Massing, and Floor Stepbacks

The Board is the City administrative board reviewing and granting or denying requests for exceptions from regulations set forth in §14-5.2(D)(9). When requesting exceptions the applicant shall use the

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procedures for public notice and hearing set forth in §14-3.6(B)(3), unless the applicant also requests a variance to the underlying zoning. In such a case the applicant for the H ordinance exception shall not be required to publish a legal ad in the local newspaper. Exceptions are project specific and do not apply to the subject property in perpetuity. The Board may grant exceptions and impose conditions thereon to §14-5.2(D)(9) for height of structures within the Historic Districts as specified in §14-5.2(D)(9)(a). The applicant for such exceptions shall conclusively demonstrate and the Board shall make a positive finding of fact that such exceptions comply with all the criteria listed as follows:

- (i) Do not damage the character of the streetscape;
  - (ii) Prevent a hardship to the applicant or an injury to the public welfare;
  - (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts;
  - (iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;
  - (v) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and
  - (vi) Provide the least negative impact with respect to the purpose of this section as set forth in §14-5.2(A)(1).
- (D) General Design Standards for All H Districts

In any review of proposed additions or alterations to structures that have been declared significant or contributing in any Historic District or a landmark in any part of the City, the following standards shall be met:

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(1) General

(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

(b) If a proposed alteration or new construction will cause an adjacent structure to lose its significant, contributing, or landmark status, the application may be denied.

(2) Additions

(a) Additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure.

(b) Additions to buildings that meet the standards of §14-5.2(E) shall continue to meet those standards set forth in §14-5.2(E) in addition to the standards set forth in this section.

(c) Additions are not permitted to primary façades.

(d) Additions are not permitted to the side of the existing footprint unless the addition is set back a minimum of ten feet from the primary facade. The addition shall not exceed 50 percent of the square footage of the existing footprint, and shall not exceed 50 percent of the existing dimension of the primary facade. To the extent architecturally practicable, new additions shall be attached to any existing noncontributing portion of structures instead of attaching them to the significant or contributing portion.

(e) The height of additions:

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(i) For significant and landmark structures shall be a minimum of six inches less than the parapet or equivalent roof-feature of the existing adjacent connecting facade.

(ii) For contributing structures shall be no more than one additional story higher than the existing structure. To the extent architecturally practicable, two story additions shall be set to the rear or the side rear of the structure. When an additional story is to be placed upon an existing contributing structure, that footprint may be no greater than 50 percent of the footprint of the existing structure, subject to the provisions of paragraph A(1) above. For the purposes of this paragraph, an additional story shall not exceed 12 feet from the existing rooftop to the highest point of that story.

(3) Remodeling to Increase Height; Rooftop Appurtenances

(a) For remodeling of existing significant and landmark structures, no increase in height of the structures is permitted. (For standards relating to additions to existing structures, see paragraph (2) above.)

(b) For significant and landmark structures, publicly visible roof top appurtenances, including but not limited to solar collectors, clerestories, decks, or mechanical equipment, shall not be added nor shall the parapet be raised to conceal the rooftop appurtenances. For contributing buildings solar collectors, clerestories, decks, or mechanical equipment if publicly visible shall not be added.

(4) Porches and Portals

Existing porches or portals shall not be enclosed.

(5) Windows, Doors, and Other Architectural Features

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(a) For all facades of significant and landmark structures and for the primary facades of contributing structures:

(i) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double pane glass may be used. No opening shall be widened or narrowed.

(ii) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

(iii) No existing opening shall be closed.

(b) For all façades of significant, contributing and landmark structures, architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

(6) Roofs

The existing roof styles and materials shall be maintained or replaced in kind if necessary. The addition of dormers or other roof features should only be considered when they are an existing or historical feature of the structure.

(7) Surface Cleaning

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The surface cleaning of structures, when undertaken, shall employ the gentlest means possible. Chemical or physical treatment, such as sandblasting, that causes damage to historic materials, is not permitted.

(8) Archaeological Resources

Discovery of archaeological resources made during the Historic Districts review process shall be referred to the Archaeological Review Committee.

(9) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, scale, and massing of any structure in an Historic District, as defined in this section, shall be limited as provided for in this section, unless further restricted within this chapter.

(a) Applicability

The following sections identify specific areas and specific projects subject to this section. Land Use Department staff shall determine whether or not properties are included within this section. (Ord. No. 2007-45 § 30)

(i) Specific Areas

A. The authority to limit the height of any structure, as provided in this section, shall apply within the Downtown and Eastside, Don Gaspar, historic transition, and Westside-Guadalupe Historic Districts.

B. It shall also apply in the historic review district as specified herein. This authority shall apply to the northern and eastern portion of the historic review district as illustrated on the referenced map attached hereto,\* and located in the City's Land Use Department. Inclusive under this authority are all

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properties accessed from Canyon Road, Camino Militar, Apodaca Hill, Camino Ribera, Camino Cabra, Camino Santander, Camino San Acacio, Camino del Monte Sol, Camino Rancheros, Camino Ranchitos, Garcia Street, Old Santa Fe Trail (to the Arroyo de los Chamisos crossing), and Old Pecos Trail (to the southern boundary of the historic review district) as they continue out of the Downtown and Eastside Historic District and terminate in the historic review district. This authority shall also apply to all properties accessed from public rights-of-way that are located east of the western boundary of the historic review district and north of the southern boundary of the historic review district to the intersection of Camino Corrales and Fort Union Drive. (Ord. No. 2007-45 § 30)

C. This authority shall also apply to properties accessed from Camino Lejo, Mt. Carmel Road, and east to the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, inclusive of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, and exclusive of properties east of the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte.

D. This limitation of applicability shall not affect the authority of the Board with respect to significant or contributing structures as provided in §§14-5.2(F), (G), and (H).

(ii) Project Types

Land Use Department staff shall determine the applicability of this section to individual projects and the applicable streetscape as follows: (Ord. No. 2007-45 § 30)

[Linear Street]

A. If the project location is sited on a street which extends linearly with no interruptions or truncations, the streetscape shall include buildings, yard walls, and fences on both sides of the street on which the proposed building, yard wall, or fence is to be located, for a distance of 600 feet measured from the midpoint of the street facing façade(s) of the proposed building, yard wall, or fence in both directions parallel to the street centerline. See Illustration 14-5.2-1, "Linear Street - No Interruptions or Truncations."

[Intersecting Street]



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B. If the streetscape is truncated by an intersecting block or a visual intrusion (such as a curve or turn in the streetscape) before the 600 feet is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion. See Illustration 14-5.2-2, "Truncation by an Intersecting Block or Visual Intrusion."

C. If the proposed building, yard wall, or fence fronts more than one street, the streetscape on each street frontage as determined in paragraph (ii)A above shall be considered. See Illustration 14-5.2-3, "Frontage on More than One Street." (Ord. No. 2002-37 § 24)

[Street Frontage]

D. When the proposed building, yard wall or fence is located on a lot with no frontage on rights-of-way, the streetscape is defined by measuring a distance of 300 feet in all directions beginning from the mid-point of the facade which contains the principal entrance of the building. The height of a proposed yard wall or fence shall not exceed the height of the tallest yard wall or fence within this streetscape. See Illustration 14-5.2-4, "Interior Lot with No Street Frontage."

E. When the proposed building, yard wall or fence faces a T- or a Y-intersection, the streetscape shall include buildings, yard walls, and fences as defined in paragraph (ii)(A) above and buildings, yard walls, and fences on both sides of the street creating the leg of the "T" or the arm of the "Y" for a distance of 300 feet parallel to the street centerline. See Illustrations 14-5.2-5, "Location at a "Y" Intersection," and 14-5.2-6, "Location at a "T" Intersection." (Ord. No. 2002-37 § 25)

F. When the proposed building, yard wall, or fence is located in a streetscape that includes no buildings, yard walls, or fences, the height of the proposed building shall not exceed 16 feet. Yard walls and fences in this streetscape shall not exceed five feet in height.

[No Frontage]

(b) Streetscape Standards

(i) Streetscapes shall not extend beyond the outer boundaries of the Historic Districts.

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(ii) When determining streetscape, the following structure types shall be excluded: institutional, buildings originally constructed to house a hotel, residential multiple unit, buildings with non-historic multiple stories, non-historic pitched roof, auxiliary outbuildings such as sheds, existing structures approved by way of a variance or exception, and yard walls and fences whose height is inconsistent with the predominant height of yard walls and fences on an applicable streetscape.

(iii) When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height.

(iv) In certain cases, the Board may consider the standard deviation of heights in addition to the average heights within an applicable streetscape.

(v) If a portion of a structure falls within the measurement of an applicable streetscape, such structure shall be considered as part of the applicable streetscape.

(vi) If the determined allowable height of a proposed residential building or addition does not meet the minimum construction standards related to height set forth in the Uniform Building Code, then the Uniform Building Code shall prevail.

(c) Height

(i) Official map of building heights in the Historic Districts - procedures.

A. The Historic Design Review Board shall recommend the adoption of an official map reflecting building heights in the Historic Districts to the Governing Body. This map shall be used for the purpose of regulating building height in the Historic Districts. The map shall be adopted at a public hearing of the Governing Body, which hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, mailed at

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least 15 days prior to the public hearing. The official map shall be adopted by the Governing Body by ordinance.

B. The official map of building heights in the Historic Districts may be amended from time to time. This Historic Design Review Board shall make recommendations to the Governing Body for the amendment of the official map, at a public hearing. Such hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing.

C. The Governing Body shall hold a public hearing on any amendments to the official map. The official map, inclusive of amendments, is hereby adopted by reference and incorporated as if set out herein. Such public hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, mailed at 15 days prior to the public hearing.

D. The official map is available in the City planning office and is accessible at all reasonable times for inspection.

(ii) In exercising its authority under this section, the Board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the Historic Districts.

A. If a proposed building has a parapet, the façade shall not be in excess of two feet of the average of the height of the façades in the streetscape.

B. If the proposed building has a pitched roof, the ridge height of the proposed building shall not be in excess of two feet of the average of the ridge height of the pitched roofs in the streetscape.

C. Yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.

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D. Pursuant to §14-7.4(C), the height of any other structure shall be limited to the allowable building height within the applicable streetscape, as defined in this section. (Ord. No. 2002-37 § 26)

E. The height and dimension of signage are as set forth in §14-8.10(H).

F. The Board may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two feet. In no case shall the height of a façade exceed four feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building stepbacks from the street.

(iii) In Historic Districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive, at the midpoint of the street facing facade, excluding rooftop appurtenances, the increased height of walls or fences over pedestrian and vehicular openings, and gates (either in opened or closed position). For structures which do not have street frontage, height shall be determined by the facade which contains the tallest vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive. The height of walls and fences is measured from the street-facing side of the wall or fence. (Ord. No. 2002-37 § 27)

(d) Pitch

If the determined streetscape includes over 50 percent buildings with pitched roofs, the proposed building may have a pitched roof. A pitched roof is defined as a gable, shed, or hipped roof. The pitch of the roof shall match the predominant pitch extant in the streetscape.

(e) Scale

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

The height of a proposed building or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of buildings in the applicable streetscape, or the building on which the addition is proposed.

(f) Massing and Floor Stepbacks

The Board may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the Board in making such determinations shall take into account whether the height of the proposed building, yard wall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The Board shall also require that the publicly visible façades of the structure be in conformance with §§14-5.2(E) through (H), and in meeting those requirements, may require that different floor levels be stepped back.

(10) Signs; Murals

Sign applications and required submittals shall be reviewed by the Land Use Department. Approval or disapproval shall be indicated by the Division on the application for the building permit and on each of the required submittals, all of which shall be signed by the Division staff assigned to the review. The Division shall report approvals and disapprovals to the Board at its next regular meeting as an informational item. Murals may be referred to the City Arts Board for an advisory recommendation. (Ord. No. 2007-45 § 30)

(11) Walk Areas

The Board shall recommend to the Governing Body appropriate streets or portions of streets within the Historic District to be set aside for walk areas. The Governing Body may set aside the areas recommended; provided, that three-fourths of the property owners adjoining the street or portion of street affected have given consent thereto. Such walk areas shall be closed to vehicular traffic, and any improvements made by the City in the public right-of-way within the walk area shall be for pedestrian purposes. No walk area shall be set aside unless there is adequate space available conveniently related

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to the area for parking of cars of those who will make use of the area. The Board's recommendation to the Governing Body shall include a statement of the available parking space.

(E) Downtown and Eastside Design Standards

The Governing Body recognizes that a style of architecture has evolved within the City from the year 1600 to the present characterized by construction with adobe, hereafter called "old Santa Fe style", and that another style has evolved, hereafter called "recent Santa Fe style", which is a development from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

(a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;

(b) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;

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(c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than 30 inches in any dimension are not permissible except as otherwise provided in this section;

(d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerals, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

(e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(f) It is characteristic of old Santa Fe style commercial buildings to place a portal so that it covers the entire sidewalk, the columns being set at the curb line.

## (2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

(a) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;

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(b) The combined door and window area in any publicly visible façade shall not exceed 40 percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three feet from the corner of the façade;

(c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;

(d) No less than 80 percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for building permits;

(e) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complimentary colors. Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portales may have larger plate glass areas for windows under portales only. Deep window recesses are characteristic; and

(f) Flat roofs shall have not more than 30 inches overhang.

(F) Historic Review District

(1) Applicability

(a) The Division shall review and approve or deny all applications for new construction, exterior alteration, and demolition of structures in the historic review district in accordance with the standards set forth in this section.

(b) The Historic Design Review Board shall review and approve or deny new construction of commercial, residential multi-unit, public structures, and those structures requiring the Board's review



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as specified in §14-5.2(D)(9)(a). Approval, disapproval, or referral shall be indicated by the Division on the application for the building permit and on each of the required submittals, all of which shall be signed by the Division staff assigned to the review.

## (2) District Standards

(a) The following structural standards shall be complied with whenever exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

(i) Slump block, stucco, or stone shall be used as exterior wall materials. Wood and other materials may be used for details. Aluminum siding, metal panels, mirrored glass, and unstuccoed masonry units or unstuccoed cement shall not be used as exterior wall materials; and

(ii) The color of stuccoed buildings shall predominantly be brown, tan, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso). Surfaces of stone shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting of buildings with bold repetitive patterns, or using buildings as signs is prohibited.

**Comment [CLG5]:** earth tones needs to be defined (earth colors is defined, but not well)

(b) It is intended that buildings be designed to be "wall dominated". "Wall dominated" means that the building's geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, and hipped roofs can be designed as "wall dominated" solutions and are allowed. However, gabled, shed and hipped roofs are only allowed if sufficient evidence is provided by the applicant showing that there are pitched roofs extant before December 12, 1983 (date of enactment) within the related streetscape, as viewed when standing in the public street in front of the site. The height of the roof above the wall shall be no greater than the height of the walls. Folded plate, hyperbolic, mansard, or red tile roofs are not allowed. Roofs in local earth tones are preferred.

(c) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south-facing walls for trombe walls or other solar collectors, direct gain, or other collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

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- (i) Raising the parapet;
- (ii) Setting back from the edge of the roof;
- (iii) Framing the collector with wood;
- (iv) In pitched roofs, by integrating the collector into the pitch;
- (v) In ground solar collectors by a wall or vegetation;
- (vi) In wall collectors or greenhouses, by enclosing by end or other walls;
- (vii) Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.
- (d) Roof-mounted mechanical, electrical and telephone equipment and other obtrusive structures shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment or other appropriate means. The equipment shall be of a low profile to minimize the screening problem.
- (e) No cantilever or long apparently unsupported openings are allowed except over the projecting vigas, beams, or wood corbels or as part of the roof. The use of arches is discouraged except in freestanding walls.
- (f) In order to emulate traditional Santa Fe architecture and construction traditions, it is intended that structures be designed to appear essentially as structures with massive walls which are defined as being built or appearing to be built of adobe construction, wall thickness appearing massive in relation

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to wall height, and where applicable, the depths of windows, doors and entry opening showing the massiveness of the structure. Solid wall space shall be greater in any façade than window or door space combined. Exceptions are allowed for south facing walls for solar equipment as provided in paragraph (F)(2)(c) of this section and under portales. The mass elements that make up the building composition shall appear as single blocks. Buildings with ground coverage of over 20,000 square feet and over one story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block. (Ord. No. 2002-37 § 28)

(g) Walls and fences visible from the street shall be built of brick, adobe, rock, masonry, wood, coyote fencing, wrought iron, slump block, or similar materials. Walls of unstuccoed concrete block or unstuccoed concrete, chain link, metal wire, or similar materials are prohibited, except where the wall or fence is not visible from the street.

(h) When parking spaces are required for commercial or multi-family residential buildings, they shall be placed to the rear or side of the building. When parking areas are visible from the street, they shall be screened from view by walls, fences, vegetation, planters, earth berms, or other means.

(G) Historic Transition District

(1) Purpose

(a) In order to promote the economic, cultural and general welfare of the people of the City and to ensure the harmonious, orderly, and efficient growth and development of the City, it is deemed essential by the Governing Body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserves property values and attracts tourists and residents alike, be preserved, some of the qualities being:

(i) The continued existence and preservation of historic areas and buildings;

(ii) The continued construction of buildings in the historic styles; and

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(iii) A general harmony as to style, form, color, proportion, texture, and material between buildings of historic design and those of more modern design.

(b) The Governing Body hereby establishes a process for review of style, form, color, proportion, texture, and materials as part of the building permit process in the historic transition district.

(2) Applicability

Submittals of required elevations and plans and approval of these submittals by the Land Use Department are required before a building permit is given for construction, renovation, or exterior remodeling of any exterior feature of a building or structure subject to public view from any public street, way, or other public place. Demolition shall not require prior approval by the Land Use Department. (Ord. No. 2007-45 § 30)

(3) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected or altered:

(a) Architectural Style

(i) Materials

It is intended that exterior wall materials express a monolithic and massive appearance. Stucco, brick, slump block, and stone are allowed. Materials such as aluminum siding, metal panels, mirrored glass, and unstuccoed masonry units or cement are not allowed. Wood siding is not allowed for an entire wall;

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(ii) Color

The color of stuccoed buildings shall predominantly be in brown, tans, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso). Surfaces of stone or brick shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting of buildings with bold repetitive patterns, or using buildings as signs is prohibited;

**Comment [CLG6]:** same comment re defining color

(iii) Roof Form, Slope and Shape

It is intended that buildings be designed to be "wall dominated". "Wall dominated" means that the building's geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, and hipped roofs can be designed as "wall dominated" solutions and are allowed. The height of the roof above the wall shall be no greater than the height of the walls. Folded plate roofs, hyperbolic, mansard, or red tile roofs are not allowed. Roofs in local earth tone colors are preferred. See Illustration 14-5.2-7, "Examples of Roof Types";

[Roof]

(iv) Solar Equipment

A. It is intended that the use of solar and other energy collecting and conserving strategies be encouraged. The use of large glazed areas on south facing walls for collectors, trombe walls, greenhouses, garden rooms, direct gain, or other collecting purposes is allowed. Solar equipment shall be screened as follows:

1. Raising the parapet;
2. Setting back from the edge of the roof;
3. Framing the collector with wood;

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4. In the case of pitched roofs, by integrating the collector into the pitch;

5. In case of ground solar collectors by a wall or vegetation;

6. In the case of wall collectors or greenhouses, by enclosing by end or other walls;

7. Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

B. Roof-mounted equipment: roof-mounted mechanical, electrical and telephone equipment and other obtrusive structures shall be architecturally screened with opaque materials, for example, by raising the parapet, and shall be of a low profile to minimize the screening problem;

C. Cantilevers, arches: no cantilever or long apparently unsupported openings are allowed except over the projecting vigas, beams, or wood corbels or as part of the roof. The use of arches is discouraged except in free standing walls;

(b) Size, Mass and Shape

(i) In order to emulate traditional Santa Fe architecture and construction traditions, it is intended that structures be designed to appear essentially as structures with massive walls. Structures with massive walls are defined as being built or appearing to be built of adobe construction, wall thickness appearing massive in relation to wall height, and where applicable, the depths of windows, doors and entry openings showing, the massiveness of the structures. Solid wall space shall be greater in any façade than window or door space combined. Exceptions are allowed for south facing walls for solar equipment as provided in paragraph (G)(3)(a)(iv) of this section, and under portales; (Ord. No. 2002-37 § 29)

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(ii) The mass elements which make up the building composition shall appear as single blocks;

(iii) Buildings with ground coverage of over 20,000 square feet and over one story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block. A human scale shall be achieved near ground level on large commercial, multi-family residential and public buildings and along street façades and entryways through the use of such scale elements as windows, doors, columns, and beams. Human scale means the entrances, windows, doors, columns, and beams on large buildings are in proportion to the people using the building. For example, a ten-foot high entrance cover is in proportion to a person using it. A 30 foot high colonnade is not;

(c) Walls and Fences

Walls and fences visible from the street shall be built of brick, adobe, rock, masonry, wood, coyote fencing, wrought iron, slump block, or similar materials. Walls of unstuccoed concrete block or unstuccoed concrete, chain link, metal wire, or similar materials are prohibited, except where the wall or fence is not visible from the street;

(d) Remodeling and Alteration

Persons requesting approval for building permits for remodeling or alteration of nonconforming structures shall not be required to bring the total structure into conformance with the standards for the historic transition area. However, the portion of the building that is remodeled or altered shall conform to those standards. Remodeling of structures of architectural and historic interest or individually entered on the state register of cultural properties or national register of historic places or designated as significant on either register shall be related to and compatible with the structure. "Related to and compatible with" means existing together with unity and coherence.

(4) Final Review

(a) All applicants for final review shall submit:

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(i) Three copies of four building elevations drawn to scale. Elevations shall be drawn with sufficient detail to show the architectural design of the structures, including proposed exterior finish materials, textures and colors;

(ii) Three copies of a dimensioned plan drawn to scale which shows building location and configuration in relation to other site improvements, including but not limited to parking lots and utilities.

(b) The Land Use Department shall make a determination of whether the plans and elevations are in compliance with the requirements of this section within five working days from the date of the application to the City. If the submitted information is inadequate, the Division may postpone action until a date agreed upon by the Division and the applicant. (Ord. No. 2007-45 § 30)

(c) Final approval, disapproval, or conditional approval shall be noted on the face of the application and signed by a representative of the Land Use Department. If conditional approval is given, the list of conditions shall be attached to the application. If the application is disapproved, the sections of the historic transition district with which the application did not comply shall be noted on the application. (Ord. No. 2007-45 § 30)

(d) No approval by the Land Use Department shall be required for repairs that do not in any way alter any exterior feature in view from any public street, way, or public place, or for repainting it the same color. (Ord. No. 2007-45 § 30)

(5) Property Use and Zoning District

The property in the historic transition district may be used for any use permitted in the zoning district of which the property in question is a part. The property in the historic transition district shall be subject to the requirements, uses, height, and other regulations of the zoning district of which the property is a part.

(H) Don Gaspar Area Historic District



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(1) District Standards

Compliance with the following structural standards shall occur wherever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

(a) Slump block, stucco, brick, stone, or wood shall be used as exterior wall materials. Aluminum siding, metal panels, mirrored glass and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials. The painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns, or using building as signs is prohibited. Murals, however, are permitted and may be referred to the City arts board for an advisory recommendation.

(b) Roof forms including but not limited to flat, gabled, shed, and hipped roofs are allowed. Folded plate or hyperbolic roofs are not allowed.

(c) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing walls for trombe walls or other solar collectors, greenhouses, garden rooms, direct gain, or other energy collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened by the following methods:

(i) Raising the parapet;

(ii) Setting back from the edge of the roof;

(iii) Framing the collector with wood;

(iv) In the case of pitched roofs, by integrating the collector into the pitch;

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(v) In case of ground solar collectors by a wall or vegetation;

(vi) In the case of wall collectors by enclosing by end or other walls;

(vii) Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

(d) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened by opaque materials by raising the parapet, framing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems.

(e) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in view from any public street, way, or other public place.

(f) Greenhouses. Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to-effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited. Greenhouses with slanting sides shall be bracketed at the ends and the greenhouses made from enclosed porches or portales shall maintain the shape of the porch or portal.

(g) For residential uses, paving with asphalt or parking is not allowed in the front yard except in the sidewalk or driveway.

(h) For commercial uses zoned C-1 front yards are required to be landscaped, and no required front yard shall be used for off-street parking.

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(i) As a condition of any rezoning all applicants shall provide evidence of sufficient off-street parking and an intent to maintain the architectural integrity of the existing building or to conform to the architectural style of the district if constructing a building on a vacant lot.

(2) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or destruction of walls, fences, and solar collectors and required submittals shall be reviewed by the Land Use Department. Approval, disapproval, or referral shall be indicated by the Division on the application for the building permit and on each of the required submittals, all of which shall be signed by the Division staff assigned to the review. The Division shall report approvals, disapprovals, or referrals to the Board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30)

(l) Westside-Guadalupe Historic District

(1) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished:

(a) Slump block, stucco, brick, or stone, shall be used as exterior wall materials. Wood and other materials may be used for details. Aluminum siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials;

(b) The color of stuccoed buildings shall predominantly be in browns, tans, local earth tones and soft pastels. Surfaces of stone or brick shall be in the natural color. Entryways, and portales or porches may be emphasized by the use of white or other colors. Painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns or using buildings as signs is prohibited. Murals, however, are permitted and may be referred to the City Arts Board for an advisory recommendation;

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(c) Roof form, slope, and shape. It is intended that buildings be designed to be "wall dominated". "Wall dominated" means that the building's geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, or hipped roofs can be designed as "wall dominated" solutions and are allowed. The height of the roof above the wall shall be no greater than the height of the wall. Folded plate, hyperbolic or mansard roofs are not allowed;

(d) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing walls for trombe walls or other solar collectors, direct gain, or other energy collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

(i) Raising the parapet;

(ii) Setting back from the edge of the roof;

(iii) Framing the collector with wood;

(iv) In the case of pitched roofs, by integrating the collector into the pitch;

(v) In the case of ground solar collectors by a wall or vegetation;

(vi) In the case of wall collectors, by enclosing by end or other walls;

(vii) Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

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(e) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obtrusive equipment shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems;

(f) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in the street frontage;

(g) Greenhouses

(h) Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited. Greenhouses with slanting sides shall be bracketed at the ends and that greenhouses made from enclosed porches or portales maintain the shape of the porch or portal;

(i) Porches and portales are encouraged;

(j) When parking spaces are required for commercial or multi-family residential buildings, they shall be placed to the rear or side of the building.

(2) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or demolition of walls, fences, and solar collectors and required submittals shall be reviewed by the Land Use Department. Approval, disapproval or referral shall be indicated by the Division on the application for the building permit and on each of the required submittals, all of which shall be signed by the Division staff assigned to the review. The Division shall

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report approvals, disapprovals, and referrals to the Board at its next regular meeting as an informational item. (Ord. No. 2007-45 § 30)

(J) Creation of Historic Districts

The Governing Body may, of its own motion, on recommendation of the Historic Design Review Board, or in response to petition, designate an area as an Historic District. Historic Districts shall be areas of historical, architectural, cultural, or special aesthetic interest. Historic Districts so classified will be designated for zoning purposes by the existing zone designations at the time of the adoption of this section, plus the suffix "H." The procedure for establishment of an Historic District shall be that prescribed for other rezonings, but also shall comply with this section.

(1) Application

Any petition for designation of a Historic District shall be accompanied by an application and supporting materials as specified in the user's guide, and also any other information as requested by the Historic Board.

(2) Preliminary Review and Hearing

(a) In any matter subject to its review, the Historic Board, upon request of the applicant, shall provide a preliminary review. Application for preliminary review shall be accompanied by two copies of the design development drawings or photographs. The Board shall provide an informal determination of whether the drawings and photographs are in compliance with the applicable standards.

(b) Preliminary approval or disapproval shall be indicated on each copy of the design development drawings or photographs and signed by the chair of the Board. If disapproved, the Board shall give the reasons for disapproval on each copy of the required submittals. One marked copy shall be retained by the Board. The other copy, similarly marked, shall be returned to the applicant. Preliminary approval is not a substitute for final review approval. Any subsequent changes to the design development drawings prior to final review shall be consistent with the preliminary approval.

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(c) The Historic Board shall act at its next regular meeting upon those preliminary applicants that have been filed seven or more days in advance of that meeting. Notice of the time and place of the preliminary review shall be given to the applicant in writing by the Land Use Department. (Ord. No. 2007-45 § 30)

(3) Final Review and Hearings

(a) No exterior feature or part of an exterior feature of a structure which is subject to view from any public street may be erected, demolished, or have its appearance changed until the application and required submittals have been approved by the Historic Board, as part of the building permit process in accordance with standards set forth in this section.

(b) The Historic Board shall act upon the final application at its next regular meeting, unless the application is made less than seven days before a regular meeting, in which case the question may be held over until the next meeting. If the exhibits are inadequate, the Board may postpone action until a date agreed upon by the Board and the applicant. Recommended final approval, disapproval, or conditional approval shall be noted on the face of the application and signed by the chair of the Board, or, in his absence, by the acting chair. If conditional approval is given, the list of conditions shall be attached to the application. If the application is disapproved, the chair of the Board shall state on the application the sections of H District regulations with which the application did not comply. If the application is disapproved for failure to provide required information, the chair shall state on the application the information required and not provided. No building permit for work within an Historic District may be issued without approval of the Board endorsed thereon, except after appeal, as provided in §14-3.17(D). (Ord. No. 2002-37 § 30)

(c) All applications for review by the Board shall be accompanied by three copies of plans and exterior building elevations drawn to scale, with sufficient detail to show the architectural design of structures, including proposed exterior finish materials, textures, colors, and the plot plan or site layout, including a general location of the existing adjacent improvements. The plans and elevations shall also show all improvements affecting appearance such as walls, fences, signs, lights, fixtures, steps and other appurtenant elements. Applications for new construction or demolition shall be accompanied by clear photographs showing contiguous property.

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(d) Applications and exhibits shall be kept available for public inspection. For new construction, a clear photograph of the structure, as completed, shall be taken by the City to be included in the Land Use Department's historic area new construction archives. (Ord. No. 2007-45 § 30)

(e) No approval by the Historic Board shall be required for repairs that do not in any way alter the exterior appearance of a structure, or for repainting it in the same color, unless the Board has previously notified the owner in writing that the existing color of the structure is objectionable, in which case approval by the Board shall be obtained for any repainting.

(f) The Historic Board shall judge any proposed alteration or new structure for harmony with adjacent buildings, preservation of historical and characteristic qualities, and conformity to the standards for architectural style set forth in this section.

(K) Historic Compounds

(Ord. No. 2003-18 § 1)

(1) Purpose and Intent

It is intended that:

(a) Historic compounds shall be recognized as historic places and that the identifiable historic, physical, and spatial elements comprising them shall be preserved.

(b) Character defining architectural, landscaping, spatial features and contexts in an historic compound shall be preserved.

(c) The buildings, structures, landscaping, and open spaces comprising a compound change over time. Changes to a compound may have acquired historic significance and, if so, shall be retained and preserved.



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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(d) Additions to existing buildings and new construction and landscaping in an historic compound shall be undertaken in such a manner that, if removed in the future, the historic form and integrity of the historic compound would be unimpaired.

(2) Identification of Historic Compounds

(a) In reviewing applications for compliance with subsection 14-5.2, staff shall evaluate whether the subject property is located in an historic compound. If a compound is listed on the historic compound register, this shall constitute identification as an historic compound. In other circumstances, identification of an historic compound shall be accompanied by a written analysis and justification as to why the compound is historic. Historic compounds shall be comprised of a group of at least three buildings that are historically, physically, and/or spatially related. In order for a compound to be considered historic, at least 50 percent of the buildings in the compound shall be designated contributing, significant or landmark. Designation of all buildings, structures, and objects in a compound shall be reviewed upon application. Four general types of historic compounds are found in Santa Fe, the family, the rental, the placita and the commercial.

(3) Board Review of Existing Conditions Assessments and Historic Compound Plans

(a) For any proposed substantive change to an historic compound, the property owner or representative shall submit an existing conditions assessment for review and approval by the Board.

(b) For compounds that have one owner, the Board may also require a proposed historic compound plan for review and approval. If an historic compound plan is required, a permit for substantive change in the historic compound shall not be issued until final review and approval of the document by the Board.

(c) An existing conditions assessment and/or historic compound plan shall not be reviewed until all exhibits, as specified by city policy, have been submitted.

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(d) Review of the existing conditions assessment and historic compound plan by the Board shall include the historic, physical, and spatial character including scale and development pattern of the historic compound.

(4) Standards for the Rehabilitation, Demolition, Additions and New Construction in Historic Compounds

(a) General

(i) If proposed changes will significantly alter the historic, physical, or spatial character of the historic compound as a whole, the application shall be denied.

(ii) If the proposed changes will result in a resource located in the historic compound to lose its contributing, significant or landmark status, the application shall be denied.

(b) Rehabilitations of Contributing, Significant, and Landmark Resources

In rehabilitating contributing, significant, and landmark resources, the standards as set out in §14-5.2(D) shall be met.

(c) Additions

Additions to contributing, significant, or landmark buildings or structures shall meet the standards as set forth in §14-5.2(D)(2).

(d) Height

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(i) Additions to contributing, significant, or landmark buildings shall be a minimum of six inches lower than the parapet or ridge of the historic building. Additions to contributing, significant or landmark structures other than buildings shall be a minimum of six inches lower than the highest point of the historic structure. This requirement shall supersede §14-5.2(D)(2)(e).

(ii) In addition to the height requirements set forth in §14-5.2(K)(4)(d)(i), new buildings shall be at least six inches lower than the calculated average height of all contributing, significant or landmark buildings in the historic compound.

(iii) New walls, fences, or gates shall not exceed the average height of existing walls, fences, or gates in the historic compound. No wall or fence that significantly changes the spatial character of the historic compound shall be constructed.

(e) New Free-Standing Construction and Landscaping

(i) New buildings shall not exceed in size the average historic footprint of all contributing, significant or landmark buildings in the historic compound.

(ii) The total footprint of new free-standing building construction approved under this ordinance shall not exceed 50 percent of the combined historic footprint of contributing, significant or landmark buildings.

(iii) New construction shall use similar materials, building forms and stylistic elements as found in the historic compound.

(iv) New construction shall be visually distinct from, but compatible with, contributing, significant, or landmark architecture in the historic compound.

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(v) New construction shall not damage, block, or obscure historic, physical, or spatial character defining features of the historic compound including but not limited to courtyards, roads, paths, walls, fountains, curbing, and vegetation.

(vi) The location of new construction shall be considered so that its physical relationship to other buildings is similar to the spatial relationships of existing contributing, significant, or landmark buildings in the historic compound.

(vii) Addition of a new object shall not be considered new construction.

(f) Demolitions

(i) Any demolition in an historic compound shall be reviewed as per §14-3.14.

(ii) The effect(s) of the demolition on the character of the historic compound as a whole shall be taken into consideration when reviewing the application.

(5) Survey, Recommendation, Approval of Historic Compound Register and Effective Date

(a) A survey of the historic districts shall be completed to determine a list of eligible historic compounds.

(b) The Historic Design Review Board shall make a recommendation to the Governing Body as to which properties shall be registered as historic compounds.

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(c) The Governing Body shall approve the historic compound register after conducting a public hearing. Notice of the public hearing shall be given to the owner of record of each property considered for the historic compound register by certified mail, return receipt requested, no less than 15 days prior to the hearing.

(d) Section 14-5.2(K) shall become effective 30 days after the approval of the historic compound register by the Governing Body.

(L) Landmarks

(Added Ord. No. 2004-26 §2)

(1) Official Map of Landmark Structures-Procedures

The Historic Design Review Board shall recommend to the Governing Body an official map designating the status of structures for the purpose of regulation of landmark structures.

(a) The map shall be adopted at a public hearing of the Governing Body, which hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by certified mail, return receipt requested, mailed at least 15 days prior to the public hearing.

(b) The Historic Design Review Board shall make recommendations to the Governing Body for the amendment of the official map, at a public hearing. Such hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners shall be notified of the public hearing by certified mail, return receipt requested, mailed at least 15 days prior to the public hearing. With the consent of the property owner, the City shall have posted on the property a poster obtained from the Planning and Land Use Department. Otherwise, the City shall post the poster on the nearest place available to the City. Such poster shall be securely posted, prominently displayed, visible from a public street, at least 14 days prior to the scheduled Board hearing. The posting shall indicate the nature of the application, identification of the property affected and the time, date and place of the

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hearing. The poster shall be removed within 30 days of final action. Failure to do so may result in the City removing the sign at the applicant's expense. A civil fee of \$50.00 will be charged. (Ord. No. 2005-31 § 5)

(c) The Governing Body shall hold a public hearing on a recommendation by the Historic Design Review Board for an official map. Any official map shall be adopted by the Governing Body by ordinance.

(d) The official map of landmark structures, with referenced property addresses, is amended from time to time. The same is hereby adopted by reference and incorporated as if set out herein. The original referenced map is available in the City planning office and is accessible at all reasonable times for inspection.

(Ord. No. 2001-38 §2)

#### 14-5.3 ARCHAEOLOGICAL REVIEW DISTRICTS

(A) Purpose

In order to promote the economic, cultural and general welfare of the people of the City, it is deemed essential by the Governing Body that the qualities relating to the unique cultural traditions, prehistory, and history of Santa Fe, and which attract tourists and residents alike, be preserved by establishing three archaeological review districts. The purpose of these Districts is to:

(1) Recognize the value of archaeological resources from all periods of history and prehistory including prehistoric native American settlements, Spanish colonization and settlement, and settlement and developments under Mexican and American governments;

(2) Provide the means for identifying archaeological sites by requiring surveys and test excavations, depending on the district, through the development review and building permit process;

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(3) Provide the means by which archaeological sites can be evaluated for their potential contribution to cultural, educational, historic, economic, and scientific concerns;

(4) Establish a procedure for treatment of archaeological resources on private and public land; thereby mitigating the information loss from the sometimes unavoidable destruction of archaeological resources and providing for the treatment of those resources which can be preserved; and

(5) Provide methods for the emergency treatment of archaeological resources found through unexpected discovery.

(B) Application to State of New Mexico and Any of Its Agencies, Political Subdivisions, or Instrumentalities

Pursuant to § 3-22-1 through 3-22-5 NMSA 1978, it is the intent of the City of Santa Fe that the provisions of this § 14-5.3 shall apply to the state of New Mexico and of any of its agencies, political subdivisions or instrumentalities, as well as to any other entity or activity in the archaeological review districts.

(C) Establishment of Districts; Boundaries

(1) Districts Established

There are established three archaeological review districts to be known as the historic downtown, river and trails, and suburban archaeological review districts.

(2) Boundaries

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

The boundaries of the historic downtown, the river and trail, and the suburban archaeological review districts are as shown on the map attached hereto and incorporated herein, set out as Exhibit "F"<sup>2</sup> and as shown on the official map, located in the City Land Use Department. The boundaries are determined by the following criteria: (Ord. No. 2007-45 § 30)

(a) Historic Downtown Archaeological Review District

**Comment [JBC7]:** Changed to remain consistent with language in 14-2 and 14-3.

The center of Santa Fe since 1610 and occupied by Native Americans prior to that time, land within the historic downtown area archaeological district has a high potential of containing significant cultural remains and is part of the historic core of the City;

(b) River and Trails District

An area of prehistoric Native American occupation, settled by early Spanish colonists, and being primary transportation routes important to the settlement of Santa Fe, the river and trails archaeological review districts has a high potential of containing significant cultural remains and is part of the Santa Fe River floodplain, escarpment, or ridges above the escarpment, or land adjacent to those areas, and contains historic trails such as the Santa Fe Trail, Galisteo Road, and Agua Fria;

(c) Suburban District

Land within the suburban archaeological district has a moderate potential of containing significant cultural remains, and is not a part of the historic downtown or river and trails districts.

(3) Map Revisions

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<sup>2</sup> The Archaeological Districts Map is set forth in the Appendix to this chapter as Exhibit E and is incorporated herein by reference.



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The archaeological districts may be revised upon a recommendation of the Archaeological Review Committee as approved by the Governing Body. In revising the district boundaries the Committee shall follow the criteria set forth in paragraph (C)(2) of this section. (Ord. No. 2002-37 § 31)

(D) Archaeological Clearance Permit Required

An Archaeological Clearance Permit shall be required for certain types of development activity within the Archaeological Review Districts, as described in §14-3.13.

(Ord. No. 2001-38 § 2)

#### 14-5.4 ARTS AND CRAFTS DISTRICT

(A) Purpose and Intent

It is the intent of ~~the~~ an Arts and Crafts (AC) district to permit arts and crafts and other related commercial uses in eligible underlying districts. ~~overlay portions of residential districts with a district that permits arts and crafts shops.~~ Within this overlay district, residential and limited office and retail commercial uses are intermixed with small arts and crafts shops, ~~and~~ studios, and galleries where the goods traded are custom-produced in small quantities and are, often one of a kind; where the arts or crafts are taught to small numbers of people; or where small numbers s of persons are engaged in arts and crafts activities.

**Comment [JBC8]:** Greg? Trying to set up meeting re: description of RAC and AC overlay... will report results...

(B) Land Eligible

An AC district may overlay any residential district or any portion thereof.

(C) Uses

~~(B) Permitted Principal Uses and Structures~~

The permitted principal uses, accessory uses, and special exceptions ~~and structures~~ of the AC district are the same as the underlying zoning district with the addition of:

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(1) Principal Uses

(~~1~~a) Dance studios;

(~~2~~b) Arts and crafts studios, galleries and shops;

(~~c~~3) Antique shops;

(~~d~~4) Arts and crafts schools;

(~~5~~e) Bookshops;

(~~6~~f) Custom tailoring and dressmaking shops;

(~~7~~g) Art supply stores, retail;

(~~8~~h) Gift shops for the sale of arts and crafts;

(~~9~~i) Nonprofit theaters for production of live shows;

(~~j~~10) Custom cabinet shops;

(~~k~~11) Florist shops; and

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~(12)~~ Photographic studios.

~~(C) Permitted Accessory Uses and Structures~~

The permitted accessory uses and structures for the AC district are the same as for the underlying zoning district.

~~(2D)~~ Special Exceptions

The special exceptions for the AC district are the same as for the underlying zoning district with the addition of:

~~(1a)~~ Offices, business and professional offices;

**Comment [JBC9]:** Tweaked to match use as listed in 14-6 table.

~~(2) Eating and drinking establishments, excluding nightclubs and provided that no food or drinks are sold for consumption in automobiles on the premises. (Ord. No. 2002-37 § 32)~~

**Comment [JBC10]:** Eating and drinking establishments will be defined in 14-12. Changing this "new" SE use to be in line with use as listed in table 14-6.1-1... Altogether moved below...

~~(b3)~~ Nonprofit religious, educational, philanthropic and eleemosynary institutions, but not penal institutions;

~~(4) Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business; and~~

**Comment [JBC11]:** "Private clubs and lodges" already SE in R1-R9, RC, R10-R29, and RAC. And GSmith assures that it will never be an issue in R7-1 and MHP. So should not be listed here as new SEs. Made sure reflected accurately in 14-6 use table ...

~~(c5)~~ Offices for those licensed by the state to practice the healing art or any branch thereof pertaining to human beings, provided that offices and accessory facilities specified shall not be considered as "service establishments;" and

**Comment [JBC12]:** This language/idea to be reflected in new 14-12 definition of "private clubs and lodges."

(d) Eating and drinking establishments.

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~~(D-E)~~ Standards

The development and design standards within the AC district are the same as the underlying zoning district with the addition of:

(1) Maximum Building Area Requirements

The maximum building area requirements for the permitted uses within the district are:

(~~a1~~) If 75 percent or more of the gross floor area of a building is devoted to nonresidential permitted uses in this district, not more than 3,000 square feet shall be used for such nonresidential purposes; and

(~~b2~~) If less than 75 percent of the gross floor area of a building is devoted to nonresidential permitted uses in this district, not more than 1,500 square feet shall be used for such nonresidential purposes; ~~and~~

~~(3) Structures used for residential purposes shall conform to the same density requirements as the underlying zoning district.~~

**Comment [JBC13]:** Duplicative of (E)...

~~(Ord. No. 2001-38 § 2)~~

14-5.5 HIGHWAY CORRIDOR PROTECTION DISTRICTS ~~\*\*~~

**Comment [JBC14]:** Clarion suggested that all corridor protection standards should be integrated, and the new I-25/599 Highway Corridor Plan should be codified. – But GSmith confirmed that no new I-25/599 HCP district is being created at this time and no other corridor protection standards exist... Reed Liming confirmed the existence of the Metro Area Highway Plan. Although the MAHP is given some official recognition, it has only been adopted by resolution, never by ordinance. Beyond scope of contract to integrate here...

(A) SCHC South Central Highway Corridor Protection District

(1) Purpose and Intent

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

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Because openness, quiet, and continuity adjoining the highway corridors in the south central section of the city is considered a special asset that should be retained as the area develops, it is the intent of the SCHC South Central Highway Corridor district ordinance to:

(a) Establish a clear sense of visual openness and continuity of development, as seen from major highway entrances to Santa Fe;

(b) Protect the openness and continuity of the existing landscape by retaining and planting native and other drought-tolerant, low maintenance trees, shrubs, and groundcovers; ~~encourage the use of architectural style and scale that is representative of Santa Fe, and preserve clean air and a sense of quiet; and~~

(c) Ensure that landscaping provides an appropriate and attractive visual buffer, compatible with neighborhood landscaping character; conserves water by use of storm water collection and drip irrigation systems; and screens transformers and loading areas or outdoor storage;

~~(c) Specifically insure that landscaping provides an appropriate and attractive visual buffer, compatibility with neighborhood landscaping character, conservation of water by use of storm water collection and drip irrigation or other systems, plants which require low maintenance, screening of transformers and loading areas or outdoor storage, and the reduction of the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.~~

**Comment [JBC15]:** Nothing deleted  
– just reorganized to clarify...

(d) Encourage the use of architectural style and scale that is representative of Santa Fe; and

(e) Preserve clean air and a sense of quiet and reduce the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.

(2) Boundaries

(a) ~~The SCHC South Central Highway Corridor Protection~~ district encompasses the lands within 600 feet of the edge of the right-of-way of both sides of the following streets designated as special review districts in the General Plan in the south central section of the City: St. Michael's Drive, Old Pecos Trail, St. Francis Drive, Rodeo Road, and Interstate 25 and its frontage roads. ~~In cases where the rear lot line~~

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~~depth exceeds the 600 feet boundary a property owner shall have the right to petition the Governing Body at any time for inclusion of his or her property in the Highway Corridor Protection district as a rezoning application. A map of the SCHCouth Central Highway Corridor Protection district is provided as Exhibit "FG"<sup>3</sup> at the end of this chapter, and is shown in the General Plan.~~

**Comment [JBC16]:** Nothing deleted, just moved to section (b) below...

**Comment [JBC17]:** Asked GSmith about this and about why there seems to be no info on the highway corridors in the General Plan – said information about highway corridors might have been in previous general plan but not carried into current version and suggested references to GP be removed from here...

(b) Persons with property divided by the ~~SCHCouth Central Highway Corridor Protection~~ district boundary are required to comply with the SCHC district standards only for that segment of the property within the boundary. ~~or as adjusted as described above.~~ In cases where the rear lot line depth exceeds the 600 feet boundary property owners shall have the right to petition the Governing Body in the form of a rezoning application at any time for inclusion of the remainder of their property in the SCHC district.

### (3) Uses

The uses permitted in this district are the same as those permitted in the underlying district.

**Comment [JBC18]:** Formerly, uses permitted were those in accordance with the General Plan. Deleted as per GSmith – see previous comment...

### (4) General Standards

The standards applicable to development within the SCHC district are the same as the underlying zoning district with the addition of:

Any new development in the SCHC district ~~on a previously vacant lot, or any complete redevelopment of a previously developed lot,~~ shall comply with these standards and landscape standards subsections (4)(a), (4)(b), and (4)(c) below. ~~per paragraph (4) below. For purposes of this section "complete redevelopment" shall be removal of all existing buildings on a lot prior to the construction of any new buildings.~~

**Comment [JBC19]:** Deleted these limitations because 1) confusing, and 2) conflict with modern thinking on bringing nonconforming uses into line whenever possible...

**Comment [JBC20]:** If first part of paragraph is deleted, no longer need definition of "complete redevelopment."

#### (a) Development and design standards

(i) Density -- The density for residential development shall be the same as in the underlying district, but in no case shall exceed a maximum density of 21 units per acre;

**Comment [JBC21]:** GS suggestion – eliminates problem of highway corridor land receiving R-21 density by default...

~~(a) The minimum building setback from the edge of the right-of-way from the street shall be 50 feet;~~

(ii) Height -- The maximum building height shall be 25 feet, not including a parapet;

(iii) Setback or Yard -- The minimum building setback or yard from the edge of the right-of-way from the street shall be 50 feet;

<sup>3</sup> The South Central Highway Corridor Protection District Map is set forth in the Appendix to this chapter as Exhibit F and is incorporated herein by reference.

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~~(c) The maximum density for residential development shall be 21 units per acre;~~

~~(d) For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use a minimum of 50 percent of the lot shall be open space, which shall meet all the requirements set forth in §14-8.4(H).~~

**Comment [JBC22]:** If rule about more restrictive regulation controlling is now clear, then the latter part of this sentence is gratuitous...  
Altogether, moved to Landscaping Standards section...

(ive) Floor Area Ratio -- The maximum floor area ratio for office, ~~and for professional, and medical office~~ uses allowed in the district are:

<u>TABLE 14-5.5-1: Maximum Floor Area Ratio</u>		
<u>Building Use</u>	<u>Building Size</u>	<u>Maximum Ratio</u>
<u>Professional and Other Office</u>	<u>One story</u>	<u>0.25</u>
	<u>Two story</u>	<u>0.35</u>
<u>Medical Office</u>	<u>One story</u>	<u>0.20</u>
	<u>Two story</u>	<u>0.30</u>

**Comment [JBC23]:** Was formerly just "office" ... trying to clarify both subsection (iv) and this table...  
According to GSmith, the distinction between medical and other offices is necessary because medical offices require more parking...  
FYI -- If we standardize the parking requirements, these distinctions may go away...

~~(f) For educational, hospital, institutional, and other uses allowed in the district, the open space, setback, and landscaping standards set forth in this section shall apply;~~

**Comment [JBC24]:** Unnecessary since already clear that all new development subject to the standards listed here...

~~(g) The uses permitted in this district are those consistent with the policies set forth in the General Plan;~~

~~(h) Loading areas shall be screened and located on side or rear yards;~~

**Comment [JBC25]:** Moved to Landscaping Standards because really about screening...

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(i) ~~Outdoor storage shall not be allowed in the district;~~

(j) ~~Access to the property shall be approved by the City Engineer and as shown on the development plan;~~

**Comment [JBC26]:** 14-3.8 already lists "vehicular and pedestrian ingress and egress from adjoining streets, including curb cuts and access to major arterials" as a default dev. plan requirement and "Ingress and egress to public streets, existing and proposed vehicular, bicycle, pedestrian circulation systems including possible parking locations and access to public transit" as a default master plan requirement.... And the City Engineer automatically reviews plans submitted to the LU Dept. when deemed necessary... So unnecessary to list separately here...

(k) ~~The off-site impact of site-generated traffic shall be based on a study performed by the developer utilizing the latest edition of the Highway Capacity Manual. The results of the corresponding impacts shall be evaluated relative to the computed levels of service at various time frames and durations as defined by the manual. A plan for mitigating any adverse impacts shall be proposed by the developer and approved by the City Traffic Engineer prior to the issuance of any building permits. The Traffic Mitigation Plan shall be based on the results of the traffic impact study and shall include proposed improvements, a cost estimate, a construction schedule and the extent of participation by the proposed development;~~

**Comment [JBC27]:** Moved to 14-3.8 as suggested default dev. plan requirement...

(l) ~~New half or partial streets shall be prohibited in new developments. When a tract to be developed borders an existing street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, such additional right-of-way shall be platted and dedicated in such a way as would make the resulting street conform;~~

**Comment [JBC28]:** This doesn't belong here. Seems like it should be a statement of general applicability. But the same exact language is found *only* in 14-9.2(E)(3)(b)(ix), which applies to subdivisions only? Indicated needs to be in section giving it greater general applicability... perhaps 14-8?

(m) ~~When nonresidential uses abut R 1 through R 7 residential densities, the following standards shall apply:~~

(i) ~~All of the structures for the nonresidential uses shall be set back 50 feet from the residential property line and a 25-foot landscape buffer meeting the standards set forth in paragraph (4) below shall be located between the residential and nonresidential uses; or~~

(ii) ~~All of the structures for the nonresidential uses shall have a 25-foot landscape buffer meeting the standards set forth in paragraph (4) below and masonry wall or a fence as approved by City staff, located between the residential and nonresidential uses.~~

**Comment [JBC29]:** Moved below as third grouping of standards, i.e. – 1) development and design, 2) landscaping, and 3) when nonresidential uses abut low residential...



Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~(n) While it is not the purpose and intent of this section to require that existing, nonconforming buildings and parking lots be modified or altered, it is the purpose and intent of this section that additions to existing buildings and expansions to existing parking lots in no way increase, or in any way intensify, a nonconforming situation.~~

**Comment [JBC30]:** Duplicative of nonconformities section generally... 14-10.1(A)

**(b4) Landscaping Standards**

**Comment [JBC31]:** These landscaping standards need to stay here since they are different from the general standards set out in 14-8.4...

(ia) Existing Landscaping -- To the greatest extent possible existing natural landscaping shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures, fences, walls or parking are allowed in this setback;

**Comment [JBC32]:** Duplicative of "structures"

(bij) Plant Material -- Plant material shall be provided in the open space setback where that area has been disturbed and shall be provided for surrounding buildings and parking areas at a minimum width of five feet. ~~The intensity of landscaping shall be 2 plants per 30 square feet of required landscaped area. One half of the vegetation shall be at least five gallon size and one half shall be at least one gallon size at the time of planting. Trees shall be minimum one and one half inch caliper at time of planting and be a minimum of 10 percent of the total planting.~~

**Comment [JBC33]:** City staff determined that the intensity of landscaping requirements should be no different in the SCHC than elsewhere; that the intensity of landscaping reqs. already provided in 14-8.4(H) should apply. (And the 14-8.4 regulations will apply so long as no alternative requirements provided here because already apply in underlying district...)

(iii) Parking and Loading Area Screening -- If parking is provided in the front setback it shall be effectively screened by earth berms or landscaping which shall be at least four feet above parking lot grade. Loading areas shall be screened and located on side or rear yards; ~~and~~

**Comment [JBC34]:** Moved here because really about screening, which is found in the landscaping section (14-8.4) of code...

(eiv) Arroyos/100-Year Flood Plains -- In order to preserve natural landscaping on the banks of the arroyos, an undisturbed setback of 10 feet shall be retained next to the major arroyos where 100 one hundred-year flood plains have been recorded. ~~Terrain management regulation as set forth in this chapter are applicable to any development in the South Central Highway Corridor Protection district.~~

**Comment [JBC35]:** Unnecessary... broad applicability of terrain management regulations made clear in 14-8.2...

(v) Open Space -- For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use a minimum of 50 percent of the lot shall be open space; and

(vi) Outdoor Storage -- Outdoor storage shall not be allowed.

**Comment [JBC36]:** GSmith confirmed that this was meant to protect low density residential – R1-R6 ... changed cut-off from R7 to R6 accordingly.

(c) Additional standards when nonresidential uses abut R-1 through R-6 residential densities:

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(i) All of the structures for the nonresidential uses shall be set back 50 feet from the residential property line and a 25-foot landscape buffer meeting the standards set forth in paragraph (4)(b) above shall be located between the residential and nonresidential uses; ~~or~~

**Comment [JBC37]:** Bolded and italicized for clarity...

(ii) All of the structures for the nonresidential uses shall have a 25-foot landscape buffer meeting the standards set forth in paragraph (4)(b) above and masonry wall or a fence as approved by the Land Use Director, located between the residential and nonresidential uses.

(5) Architectural Standards

All structures in the South Central Highway Corridor District, other than those set forth in §14-3.10(C)(1)(b), shall meet the Architectural Design Review regulations as set forth in §14-8.7 of this chapter. ~~(Ord. No. 2002-37 § 33)~~

**Comment [JBC38]:** Unnecessary -- 14-3.10 (C) already suggests that architectural design review standards apply to SCHC district dev. Also clear from introductory language -- "The standards applicable to development within the SCHC district are the same as the underlying zoning district with the addition of:"

(6) Required Information

In the South Central Highway Corridor Protection district, applicants for any new development on a previously vacant lot, or any complete redevelopment of a previously developed lot shall submit, in addition to the requirements set forth in this chapter, the following information:

**Comment [JBC39]:** Moved to 14-3.8 as new dev. plan trigger...

(a) A development plan drawn to scale showing drainage; significant natural features; access including access to major arterials; arrangement, uses, and dimensions of buildings; parking and loading; landscaping, walls and fences; floor area ratio; open space; setbacks; and existing adjacent land uses of abutting property; and

**Comment [JBC40]:** Already reflected in or incorporated into list of default dev. plan requirements in 14-3.8...

(b) Developers requesting approval of residential projects with 50 units or more, or commercial projects with over 10,000 square feet, within the South Central Highway Corridor Protection Zone shall submit, as part of the application for development plan approval, a traffic impact statement for the proposed development. The statement shall provide data on the traffic generated by the proposed development. Using the existing traffic counts generated by the city and other sources, and the methods set forth in the highway resource board's special report 87, highway capacity manual, the statement shall also show the traffic impact on the city's relevant traffic network. The relevant traffic

**Comment [JBC41]:** Moved to 14-3.8... either should be integrated as default dev. plan requirement or SCHC-specific dev. plan requirement... (Also indicated that this sort of limitation on when traffic studies and traffic impact statements are required may make sense, even as a default dev. plan requirement...)

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~network includes all the subcollectors and collectors from the point of the origin at the proposed development up to and including intersections with secondary or major arterials. The statement must show the impact of the proposed development on the level of service of the relevant streets in the traffic network. Level of service refers to the categories A through F set forth by the highway capacity manual.~~

**Comment [JBC42]:** (Check against 14-3.8 traffic study requirement – maybe this is the language that should be the default dev. plan requirement?)

(B) CRHC Cerrillos Road Highway Corridor Protection District

(1) Purpose and Intent

(a) Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of the City's primary entranceways, and one of the community's major commercial strips. For this reason, it is the purpose and intent of the CRHC ~~cerrillos Road Highway Corridor Protection District Ordinance~~ to assure that Cerrillos Road:

(i) Accommodates, in a safe and efficient manner, both through and local traffic;

(ii) Provides for a visually attractive and aesthetically appropriate introduction to Santa Fe;

(iii) Allows for clear identification of, and easy access to, all commercial and institutional establishments;

(iv) Provides for a gradual transition between the rural character of the county and the urban character of the City; and

(v) Accentuates, to the greatest extent possible, architecture and landscaping rather than parking lots and commercial signage.

~~(b) While it is not the purpose and intent of this section to require that existing, nonconforming buildings and parking lots be modified or altered, it is the purpose and intent of this section that~~

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~additions to existing buildings and expansions to existing parking lots in no way increase, or in any way intensify, a nonconforming situation.~~

**Comment [JBC43]:** Unnecessary – duplicative of nonconformities provisions -- 14-10.1(A)...

## (2) Boundaries

The ~~CRHC~~Cerrillos Road Highway Corridor Protection district begins at the intersection of Cerrillos Road and St. Francis Drive and extends southwest along Cerrillos Road to the southern City limits. The provisions of this section shall apply to all legal lots of record that directly abut Cerrillos Road right-of-way. The CRHC ~~corridor~~ district is further subdivided into the following four zones:

**Comment [JBC44]:** "CRHC zones" instead of "corridor zones" – to avoid confusion, since SCHC is also referred to as a corridor...

(a) CRHC Zone One, St. Francis Drive to St. Michael's Drive;

(b) CRHC Zone Two, St. Michael's Drive to Calle del Cielo;

(c) CRHC Zone Three, Calle del Cielo to Airport Road; and

(d) CRHC Zone Four, Airport Road to the southern City Limits.

## (3) Uses

The uses permitted in the CRHC district are the same as those permitted in the underlying district.

## (4) General Standards

The standards permitted in the CRHC district are the same as those permitted in the underlying district with the addition of:

~~The following standards shall apply only to all new development construction and additions within the CRHC Cerrillos Road Highway Corridor Protection district, and not, unless otherwise indicated, to existing buildings and structures. subsections (4)(a) and (4)(b) shall apply. All additional provisions of the underlying zoning district shall also apply. Should a Highway Corridor Protection district standard conflict with an underlying zoning district standard, the more restrictive of the two shall govern.~~

**Comment [JBC45]:** Duplicative of 14-5.1....

### (a) Development and design standards

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(i) Lot Depth -- No new legal lots of record may be created abutting Cerrillos Road right-of-way having depth of less than 75 feet in CRHC Zone One, 125 feet in CRHC Zone Two, 175 feet in CRHC Zone Three, and 225 feet in CRHC Zone Four;

(ii) Height -- The maximum building height in the CRHC district shall be that allowed by the underlying district, but in no case shall the height of any portion of a building exceed 45 feet or exceed the distance which that portion of the building is set back from the property line abutting Cerrillos Road right-of-way;

(iii)a) Setbacks and yards -- The minimum building setback or yard, as measured from any property line abutting Cerrillos Road right-of-way, shall be ~~either~~ 15 feet in ~~Corridor~~ CRHC Zone One, 25 feet in ~~Corridor~~ CRHC Zone Two, 35 feet in ~~Corridor~~ CRHC Zone Three, and 45 feet in ~~Corridor~~ CRHC Zone Four, or 20 percent of a lot's depth, whichever is less. Setback requirements for other front yards shall be one half the depth required for front yards in the underlying zoning district; and

**Comment [JBC46]:** Bolded and italicized for clarity...

~~(b) The maximum building height in all corridor zones, one through four, shall be either 45 feet or that allowed by the underlying zoning district, whichever is less. However, in no case shall the height of any portion of a building exceed the distance which that portion of the building is set back from the property line abutting Cerrillos Road right-of-way;~~

**Comment [JBC47]:** Nothing deleted – just moved to subsection (ii)...

(iv) Lot coverage -- The maximum lot coverage by buildings and structures in the all CRHC district ~~corridor zones, one through four~~, shall be ~~either 60 percent or that allowed by the~~ underlying zoning district, but in no case greater than 60 percent, ~~whichever is less~~. The areas of all buildings and structures, both existing and new, shall be included in the calculation of maximum lot coverage.

~~(d) Any new loading docks, outdoor storage facilities, or trash disposal areas located in corridor zones one through four shall either be located at the rear of the property, or be entirely screened from public view by an opaque wall or fence of no less than six feet in height; and~~

**Comment [JBC48]:** Moved to landscaping standards section... because really about screening requirements (even though loading docks are mentioned and loading is not technically part of 14-8.4)...

~~(e) Cerrillos Road curbcuts should be kept to a minimum. The use of multiple curbcuts is therefore discouraged, and vehicular access should occur from side streets wherever possible. It~~

**Comment [JBC49]:** Idea of keeping curbcuts to a minimum on major roads seems like it should be a general principle in SFCC 23-2 and possibly in 14-8, but not here... Indicated that this needs to be moved to section giving it greater applicability...

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

is strongly recommended that all curbcut locations and configurations be reviewed and approved by the City Traffic Engineer prior to finalizing project site and landscaping plans.

**(b)4) Landscaping Standards**

Any new development on a previously vacant lot, or any complete redevelopment of a previously developed lot, shall comply with the frontage landscaping standards for the Cerrillos Road Highway Corridor Protection district as set forth in this section. For purposes of this section, "complete redevelopment" shall be the removal of all existing buildings on a lot prior to the construction of any new buildings.

**Comment [JBC50]:** Made landscaping standards of this section applicable to all new development in CRHC to comport with modern notions of bringing nonconformities into line whenever possible... see introductory language to subsection (4) above...

(i)(a) — Frontage Landscaping -- There shall be a frontage landscaping strip within the front property line abutting and parallel to Cerrillos Road right-of-way with a minimum depth of ~~shall be~~ 10 feet in CRHC Zone One, 15 feet in CRHC Zone Two, 20 feet in CRHC Zone Three, and 25 feet in CRHC Zone Four. Where an adjacent lot in the same CRHC Zone has a frontage landscaping strip of greater depth, the frontage landscaping strip depth of the property at issue shall match the adjacent lot's frontage landscaping strip depth. In no case, however, shall the frontage landscaping strip depth exceed 15 feet in CRHC Zone One, 25 feet in CRHC Zone Two, 35 feet in CRHC Zone Three, and 45 feet in CRHC Zone Four, nor shall it ~~provided at the depths~~ set forth below. However, in no case shall the frontage landscaping strip exceed 20 percent of a lot's depth; and.

<u>TABLE 14-5.5-2: Cerrillos Road Highway Corridor</u> <u>Protection Frontage Landscaping Regulations</u>		
<u>CRHC Zone</u>	<u>Minimum depth of landscape strip (feet)</u>	<u>Lots within the same CRHC Zone as adjacent lots which provide the landscape setbacks set forth below shall match those landscape setbacks (feet)</u>
<u>One</u>	<u>10</u>	<u>15</u>
<u>Two</u>	<u>15</u>	<u>25</u>
<u>Three</u>	<u>20</u>	<u>35</u>
<u>Four</u>	<u>25</u>	<u>45</u>

**Comment [JBC51]:** Duplicative of subsection (i) above...

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(ii) Screening -- Any new loading docks, storage facilities, or trash disposal areas located in the CRHC district shall either be located at the rear of the property or be entirely screened from public view by an opaque wall or fence of no less than six feet in height.

~~(b) All new development and complete redevelopment shall meet the requirements set forth in §14-8.4.~~

**Comment [JBC52]:** Duplicative of revised introductory language of (b)...

~~(c) Frontage landscaping for other types of new construction, for additions, for remodelings, and for arterials other than Cerrillos Road, shall comply with the standards set forth in §14-8.4.~~

**Comment [JBC53]:**  
Since Landscaping Standards above revised to apply to all new development in the CRHC, this is unnecessary.

~~(5) Sign Standards~~

~~Signs within the Cerrillos Road Highway Corridor Protection District shall meet the requirements set forth in §14-8.10. In addition, those properties located within C-2, SC, and I-zoning districts shall meet the standards set forth in §14-8.10(G)(8).~~

**Comment [JBC54]:** Unnecessary... 14-8.10 --and 14-8.10(G)(8) specifically -- already clearly apply to CRHC...

~~(6) Architectural Standards~~

~~All building construction within the Cerrillos Road Highway Corridor Protection District, other than that exempted by §14-3.10(C)(1)(b), shall comply with the architectural design review standards set forth in §14-8.7. (Ord. No. 2002-37 § 34)~~

**Comment [JBC55]:** Unnecessary -- 14-3.10 (C) already suggests that architectural design review standards apply to CRHC district dev. Also clear from introductory language -- "The standards applicable to development within the CRHC district are the same as the underlying zoning district with the addition of:"  
\*\*But indicated in 14-8.7 that should be made clear that, unless otherwise specified, points requirements applicable to projects in overlay districts are the same as the point requirements in the relevant underlying districts...

~~(7) Minimum Lot Depth~~

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~No new legal lots of record may be created abutting Cerrillos Road right-of-way having depths of less than 75 feet in Corridor Zone One, 125 feet in Corridor Zone Two, 175 feet in Corridor Zone Three, and 225 feet in Corridor Zone Four.~~

**Comment [JBC56]:** No change – just moved to development and design standards section (4(a)) above...

(C) 599/I-25 Overlay District

[RESERVED]

#### 14-5.6 ESCARPMENT OVERLAY DISTRICT

(A) Purpose and Intent

(1) The Escarpment Overlay District is established in order to:

(a) Promote the economic, cultural, and general welfare of the people of the City;

(b) Ensure the harmonious, orderly, and efficient growth and development of the City;

(c) Conserve the value of buildings and land;

(d) Encourage the most appropriate use of land; and

(e) Preserve the natural environment and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community and to maintain and encourage the sense of the City as a small community.



Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(f) Reduce the risk to life and health of residents in the escarpment by reducing wildfire risk; and

(g) Encourage the conservation of water, especially for maintaining landscaping materials.

(Ord. No. 2004-43 §1)

(2) In order to further the purposes underlying the creation of the Escarpment Overlay District, this section:

(a) Prohibits development in the ridgetop subdistrict of the Escarpment Overlay District, other than driveway access and utility alignments, for lots created after February 26, 1992, as provided hereinafter;

(b) Regulates the permissible color, architectural style, size, and height of structures;

(c) Regulates the permissible artificial exterior lighting for structures, streets and drives;

(d) Regulates the permissible locations for placement of all utilities and driveway access;

(e) Establishes criteria for landscaping, grading, and revegetation; and

(f) Regulates such other matters as are appropriate to preserve the environment of the Escarpment Overlay District.

(Ord. No. 2006-55 § 2)

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(3) Intent:

(a) Preservation of the City's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the City, to promote tourism and the economic welfare of the City, and to protect the cultural and historic setting of the City;

(b) Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the City;

(c) Land within the Escarpment Overlay District is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;

(d) The interest and welfare of the people of the City is to prohibit development on ridgetop areas of the foothills to the extent possible as allowed by law; and

(e) The interest and welfare of the people of the City is to restrict development in the Escarpment Overlay District to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and to protect the mountain views and scenic vistas from the City to the extent possible.

(B) District Boundaries

(Ord. No. 2006-55 § 4)

**Comment [JBC57]:** No reference in this section to Escarpment Overlay District map in Appendix, Exhibit G??????

**Comment [CLG58]:** Official map will be digital, not in appendix. Changes requested by City staff (GTS).

(1) The boundaries of the Escarpment Overlay District, as well as the boundaries of the ridgetop and foothills subdistricts and the location of the viewline, are established and shown on the City's official Escarpment Overlay District map, which shall be maintained and provided in a digital format superseding the Escarpment Overlay District maps adopted by Ord. 1992-9.

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(2) The official Escarpment Overlay Map shall be **maintained and amended in the same manner as the official zoning map, as provided for in Section 14-4.1(F)**, located and secured in the Land Use Department. The Land Use Department in conjunction with the GIS Division shall be responsible for tracking and maintaining all official Escarpment Overlay changes to the map and shall be the final authority of reference as to the current Escarpment Overlay status of lands, buildings and other structures in the City. (Ord. No. 2007-45 § 30)

~~(3) Except as set forth in paragraph (4) below, amendments to the Escarpment Overlay map shall be made by the Governing Body following the procedures as set forth for rezoning in this chapter. The official map shall be changed to reflect such action of the Governing Body within 30 days.~~

~~(4) Nonsubstantive changes to the official Escarpment Overlay Map may be made by the Land Use Department in conjunction with the GIS Division as follows: (Ord. No. 2007-45 § 30)~~

~~(a) Nonsubstantive changes to the official Escarpment Overlay Map are changes that affect the appearance, style, color, or graphic presentation of the map. Examples of such changes include, but are not limited to: revising the style, format, or layout of the map in order to enhance clarity; adding explanatory text or labels; and correcting spelling or grammar. In addition, nonsubstantive changes shall also include corrections based on oversight or error, for the purpose of identifying official actions that are not reflected or are incorrectly reflected on the official Escarpment Overlay Map.~~

~~(b) Such corrections shall be administratively approved in writing by the Land Use Department Director and the Geographic Information Systems Manager. The Land Use Department Director may make nonsubstantive changes to the official Escarpment Overlay Map at any time. The Director may submit a nonsubstantive change to the Governing Body for their approval if the Director desires the advice and consent of that body. Nonsubstantive changes submitted to the Governing Body for review do not require a public hearing, public notification, or action by the Planning Commission. (Ord. No. 2007-45 § 30)~~

(C) Development and Permit Approval; Required Submittals

(Ord. No. 2006-55 § 5)

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(1) No approval of any subdivision, resubdivision, planned unit development, cluster development, multiple family dwellings, or any other type of development shall be granted for land situated in whole or in part in the Escarpment Overlay District unless all of the applicable requirements of this section are satisfied.

(2) Each parcel of land proposed for subdivision or resubdivision, which is located in whole or in part in the Escarpment Overlay District, shall be shown on a plat meeting all other requirements of this chapter. The plat shall also:

(a) Show the location of the Escarpment Overlay District, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) Show the location of all buildable sites located within the Escarpment Overlay District in compliance with paragraphs (D) and (E) below;

(c) Include a landscape plan to demonstrate compliance with paragraph (G) below;

(d) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with paragraph (H) below; and

(e) Show the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable paragraphs set forth in §14-5.6.

(3) Each proposed planned unit development, cluster development, multiple family dwellings, or any other type of development, which is located in whole or in part in the Escarpment Overlay District, shall be shown on one or more plans which meet all other applicable requirements of this chapter. The plan(s) shall also:

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(a) Show the location of the Escarpment Overlay District, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) Include a site plan which shows the location of all buildable sites located within the Escarpment Overlay District in compliance with paragraphs (D) and (E) below;

(c) Include a landscaping plan to demonstrate compliance with paragraph (G) below;

(d) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with paragraph (H) below; and

(e) Show the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable paragraphs set forth in §14-5.6.

(4) A grading permit or building permit for a single-family dwelling, or any development or other activity requiring either a grading permit or building permit, shall be issued for land situated in whole or in part in the Escarpment Overlay District only upon compliance by the applicant with all of the relevant requirements of this section and this chapter including but not limited to requirements of the underlying zone, and any conditions on development previously imposed by the City. No grading permit or building permit shall be issued unless the grading permit or building permit application is accompanied by a plan, which may incorporate by reference approved plans previously submitted to the City in connection with any subdivision, resubdivision, planned unit development, cluster, or other development approval, and which sets forth or incorporates by reference the following information:

(a) The location on the lot of the Escarpment Overlay District, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) The location of all buildable sites located within the Escarpment Overlay District in compliance with paragraphs (D) and (E) below;

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(c) A site plan, floor plan and exterior building elevations for development on the lot to demonstrate compliance with paragraph (F) below;

(d) A landscaping plan for development on the lot to demonstrate compliance with paragraph (G) below;

(e) Natural topography, storm drainage, grading, and erosion control plans for development on the lot to demonstrate compliance with paragraph (H) below; and

(f) The location on and adjacent to the lot of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable paragraphs set forth in §14-5.6.

(5) If a grading permit or building permit is sought for the purpose of remodeling or extending an existing structure lying in whole or in part within the Escarpment Overlay District, a building permit shall be required and will be issued only upon compliance with this section. Any remodeling or extensions of the roofline or footprint shall be located and designed to comply with this section. All other requirements of this section, including, but not limited to, the location of the extension and criteria governing height, architecture, landscaping, terrain management, and utilities, shall be applicable to such remodeling or extension.

(D) Location of Structures; Buildable Site

(Ord. No. 2006-55 § 6)

(1) For all lots subdivided or resubdivided on or before February 26, 1992, all structures shall be located within the foothills subdistrict unless the only buildable site is located within the ridgetop subdistrict. For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the Escarpment Overlay District, other than driveway access and utilities, is prohibited.

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(2) All structures or parts of a structure shall be located inside the approved buildable site as shown on the approved plat. If no buildable site is indicated on the approved plat, the buildable site shall be approved by staff at time of building permit. Modifications to the buildable site shown on the plat can be made by staff at time of building permit. In all cases the buildable site shall comply with the following:

(a) Paragraph (D)(1) above; and

(b) The definition of buildable site as set forth in Article 14-12 of this chapter.

(3) Structures shall be sited as far from the viewline as possible unless staff approves an alternate siting meeting the following criteria:

(a) The alternate siting shall be located within the approved buildable site as set forth in paragraph (2) above.

(b) In no case shall a structure's alternate siting be permitted in the ridgetop subdistrict for a lot subdivided or resubdivided after February 26, 1992.

(c) For lots subdivided or resubdivided on or before February 26, 1992, with a buildable site in the foothills subdistrict, the structure shall be designed and built as far from the viewline as possible in the foothills district. However, staff may upon request of an applicant:

(i) Approve an alternate siting in the foothills subdistrict if such siting of the structure will decrease the visual impact beyond that which would exist if the structure were to be sited in the foothills district as far from the viewline as possible; or

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(ii) Approve an alternate siting in the ridgetop district if such siting of the structure will decrease the visual impact beyond that which would exist if the structure were to be sited in the foothills district as far from the viewline as possible.

(d) For a lot subdivided or resubdivided on or before February 26, 1992, without a buildable site outside the ridgetop subdistrict, the alternate siting may be approved if such siting of the structure will decrease the visual impact of the structure beyond that which would exist if the structure were to be sited as far from the viewline as possible.

(e) For lots subdivided or resubdivided after February 26, 1992, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. An alternate siting in the foothills subdistrict may be approved if such siting of the structure will decrease the visual impact beyond that which would exist if the structure were to be sited as far from the viewline as possible.

(f) In determining the visual impact, staff shall consider the following in accordance with the administrative procedures adopted by Resolution No. 2006-113 as may be amended by the Governing Body:

(i) The public interest is protected and the modification does not nullify the intent or purpose of this chapter;

(ii) Existing topography;

(iii) Effect on existing vegetation;

(iv) Location of existing infrastructure;

(v) Proposed site improvements; and



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(vi) Any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.

(4) Siting of all structures within the Escarpment Overlay District shall be approved by the City staff. No building or grading permit shall be granted until approval for siting of the structures has been granted by the City staff.

(a) A preapplication meeting with City staff is required for a building permit, grading permit, driveway cut or any other type of development, for any property that is located entirely or partially within the Escarpment Overlay District. The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site as defined in Article 14-12. If the applicant is requesting an alternate location as set forth in paragraph (D)(3) above, the applicant shall submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and Escarpment Overlay District regulations will be reviewed.

(b) A building permit application submittal form will be issued by City staff once all of the prerequisites for the Escarpment Overlay District building permit application are reviewed. This form shall be attached to all sets of the building or grading permit submittal. Issuance of this form does not imply preapproval of the building permit application.

(5) For any development requiring a permit in the Escarpment Overlay District, the property shall be posted by the applicant with a public notice poster obtained from City staff. Such poster shall be prominently displayed, visible from a public street, and securely placed on the property from the time that an application for a permit is submitted to the issuance of the permit. The poster shall indicate the nature of the request, identify the applicant, the property affected and the phone number for the City staff contact. The public may review the application for permit in the Land Use Department. The poster shall be removed when the building permit is posted. Failure to do so may result in the City removing the sign at the applicant's expense. A civil fee of \$50.00 will be charged. (Ord. No. 2007-45 § 30)

(E) Subdivision or Resubdivision of Land; Multi-Family Dwellings

(Ord. No. 2006-55 § 7)

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(1) No land located in whole or in part in the Escarpment Overlay District shall be subdivided or resubdivided, nor shall a subdivision or resubdivision plat be approved for such land, if any lot fails to have at least one buildable site on the lot, in compliance with terrain and stormwater management requirements set forth in §14-8.2, located entirely outside the ridgetop subdistrict. The purpose of this requirement is to assure that each lot located in whole or in part in the Escarpment Overlay District contains at least one buildable site located outside the ridgetop subdistrict. To the extent this prohibition increases minimum lot size or decreases density beyond that which is authorized by the underlying zone for a parcel of land, then this section shall operate as a further limitation on the minimum lot size and allowable density. This paragraph applies to lots subdivided or resubdivided after February 26, 1992.

(2) In order to minimize, to the extent possible, the further density and minimum lot size restrictions caused by operation of paragraph (1) above, development alternatives such as planned unit developments and cluster developments which site structures in the foothill subdistrict or outside the Escarpment Overlay District are encouraged.

(F) Architectural and Site Standards

(1) All new structures or extensions of existing structures located or erected in the Escarpment Overlay District shall be in compliance with this section. As required by paragraph (C) above, drawings shall be submitted of all exterior elevations of all structures showing building materials, colors, length, and heights; a minimum of two cross sections from the highest point of natural grade or finished grade whichever is more restrictive showing how the existing and proposed contours relate to the building and the plans required pursuant to paragraph (H) below; a site plan; and a floor plan all showing compliance with the standards of this section. All floor plans, elevations, and cross section shall be drawn to a minimum scale of one-eighth inch equals one foot. (Ord. No. 2002-37 § 35)

(2) The colors of all structures shall be the browns and tans of local earth tones **within** 50 feet of the area immediately adjacent to the proposed structures or darker, as approved by the Land Use Department. In no case shall the structures be cream or white except as specifically authorized herein. Stone surfaces shall be left in their natural state. Entries, portals, and trim may be emphasized by the use of white, off-white, yeso or other similar accent colors. Structures painted or stuccoed with bold repetitive patterns or structures used as signs are prohibited. (Ord. No. 2004-43 § 2; Ord. No. 2007-45 § 30)

**Comment [CLG59]:** define colors

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(3) Only clerestories and flat roofs shall be permitted in the Escarpment Overlay District except that shed roofs are allowed for portals. Metal roofs shall be of a nonreflective, nonglossy material that is muted in color and matches the earth tones or darker or vegetation colors characteristic of the site, as approved by the Land Use Department. Red, yellow, blue, white, black, purple, orange and related colors are prohibited for roofs. All exterior window treatments exclusive of window trim shall comply with restrictions stated above for roof colors. All exterior glazing shall be nonmirrored with a reflectance of less than 40 percent. (Ord. No. 2004-43 § 3; (Ord. No. 2007-45 § 30)

(4) In the ridgetop subdistrict the highest point of any structure shall not exceed a maximum height of 14 feet above each and every point of measurement along the structure perimeter. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height. The highest point on the structure includes the top of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof. Adding fill dirt to the natural grade in order to increase the height of the ridgetop is prohibited.

(5) The maximum height of any structure in the foothills subdistrict shall be determined by the more restrictive of the following calculations:

(a) The highest point on the structure shall not exceed a maximum height of 14 feet above the highest natural grade at the perimeter of the structure.

(b) The highest point on the structure shall not exceed a maximum height of 20 feet above each and every point of measurement along the structure perimeter. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height.

(c) The highest point on the structure includes the tops of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof. Adding fill dirt to the natural grade in order to increase the height is prohibited.

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(6) For all structures, 20 feet in height in a single plane. No façade shall be more than 50 feet in length in a single plane. All façades with offsets of less than four feet in depth are defined to be in a single plane.

(7) Cantilevers of greater than three horizontal feet in depth are prohibited.

(8) Cantilevered decks of greater than three horizontal feet in depth are prohibited. Decks greater than three horizontal feet in depth and more than five feet above grade whether cantilevered or supported are prohibited. Decks over roofs of structures and their flat portals shall be permitted provided that the decks do not exceed the maximum height limit set forth in paragraphs (4) and (5) above.

(9) Exterior lighting shall not directly illuminate the surfaces of structures (excluding entries, garages and portals), or landscaping. The light source of any exterior indirect lighting shall be less than 3 feet in height (excluding entries, garages and portals). (Ord. No. 2006-55 § 9)

(10) The maximum disturbed area by all dwellings, accessory buildings, structures, graded land, and the placement of any impervious surfaces shall not exceed 40 percent of the gross area of the lot. Landscaping that does not require grading and stormwater retention or water harvesting areas, whether graded or not, shall not be included as a disturbed area. (Ord. No. 2006-55 § 8)

(G) Landscaping

(Ord. No. 2004-43 § 4; Ord. No. 2006-55 § 10)

(1) Landscape plans as required by paragraph (C) above shall be submitted by the applicant showing compliance with the provisions of this section. When planting is proposed within a public roadway right-of-way, landscape plans shall be stamped by a licensed landscape architect or architect. The landscaping plan shall meet the standards set forth in §14-8.4. If the applicant requested an alternate location as set forth in paragraph (D)(3) above and the alternate location was approved based upon existing vegetation, the landscape plan shall include such vegetation. (Ord. No. 2002-37 § 36)

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(2) Except as set forth in paragraph (3) below, all cut and fill slopes and retaining walls more than 4 feet high and with a backfill and/or retained slope of 3:1 or steeper shall have screening vegetation planted and maintained at the base of the slope and those with a grade less steep than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope as follows:

(a) Screening vegetation shall be planted and maintained in addition to revegetation materials required in §14-8.2(F), and shall be selected from a City-approved list of appropriate tree species. No vegetation is required for exposed structured rock surfaces in the natural occurring location.

(b) All evergreen trees shall be a minimum of 6 feet high at the time of planting. Deciduous trees shall be a minimum of 2 inch caliper at the time of planting and shall also be tall enough such that the foliage provides the desired screening effect at the time of planting. All vegetation shall be planted and maintained at a density commensurate with the adjacent existing natural landscape up to a maximum of 60 basal area as approved by the City. The density may be further reduced when deemed necessary to reduce wildfire risk. The commensurate density shall be determined by an inventory of existing natural trees and shrubs of 4 feet or greater in height in a 50 by 50 foot square within the cut or fill area prior to excavation. An inventory of the existing natural trees and shrubs within the cut and fill area shall be shown on the landscape plan. (Ord. No. 2008-14 § 1)

(c) Existing trees over 6 feet high and located within 6 feet of the base of the cut and fill slope may be counted toward fulfilling the number of trees required for screening.

(d) Cut slopes with a slope or retaining wall closer than 6 feet from the edge of a road or driveway may be screened with a trellis supporting planted vegetation or some other similar means which creates a natural screened effect.

(3) For public or private roads and driveways having individual cut and fill slopes and retaining walls over 4 feet high and combined roadway cut and fill slopes with a height of at least 8 feet, but not more than 12 feet, landscape screening as set forth in paragraph (2) above, is required for the fill slopes only. If combined slopes are greater than 12 feet, then the cut and fill slopes shall be screened individually as set forth in paragraph (2). (Ord. No. 2002-37 § 37)

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(4) For public or private roads and driveways within the ridgetop subdistrict revegetation shall meet or exceed the preconstruction vegetation density outside the road bed. Paragraphs (2)(a) through (2)(d) of this section shall apply. Alignment of the driveway will be in accordance with §14-5.6(J).

(a) All disturbed areas shall be reseeded and maintained at approximate original ground cover by the owner of the property to the approximate original height.

(b) All graded areas shall be regarded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape up to a maximum of 60 basal area as approved by the City, which shall include but not limited to planting of trees with a minimum height of 6 feet for evergreen and 2 inch caliper for deciduous, as described in paragraph (G)(2)(b) above, and reseeded to approximate the original ground cover. The density may be further reduced when deemed necessary to reduce wildfire risk; and (Ord. No. 2008-13 § 2)

(5) Slopes screened from view from any adjacent public street, way, or place by buildings, walls, or fences are exempt from the provisions of paragraphs (2) and (3).

(6) At least 25 percent of structure screening trees shall be evergreen. The remaining screening vegetation shall be deciduous trees that provide the desired screening effect year-round. All structure screening trees shall leave exposed no more than 50 percent of the structure from the highest point on the structure to the top of the tree at the time of planting.

(7) There shall be one tree, existing or planted meeting minimum height and size requirements, for every 15 linear feet of horizontal wall of each structure which shall be located no closer than five feet and no further than 30 feet from such wall. Escarpment screening trees shall not exceed 60 basal area. (Ord. No. 2008-13 § 3)

(8) No retaining walls in the Escarpment Overlay District shall be greater than 6 feet in height. When retainage greater than 6 feet is required, retaining walls shall be set back a minimum of 6 horizontal feet from face of wall to face of wall. Setback area grading shall not exceed a one percent cross slope and all walls shall be screened in accordance with paragraph (2) above.

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(9) The landscaping requirements set forth in this paragraph shall be in addition to all other landscaping requirements in this section.

(10) All landscaping shall comply with the standards of §14-8.4.

(11) All vegetation indicated on the landscape plan, existing or proposed, for the purposes of screening or stabilization required by §14-5.6 shall be maintained or replaced if necessary.

(12) Permitted Trees

(Ord. No. 2004-43 § 6)

(a) The City-approved list of appropriate tree species for the Escarpment Overlay District will be maintained by the Land Use Department, Permit and Development Review Division. The list will be updated periodically by City staff. (Ord. No. 2007-45 § 30)

(b) Applicants who have been issued a building permit prior to September 29, 2004, but have not yet completed the landscaping required by the permit or who have completed the landscaping but whose piñon trees have died prior to September 29, 2004, may substitute one or more tree species from the City's approved plant list for the piñon on their approved landscaping plan and will be considered to be in compliance with the permit. The substitutions shall meet all requirements of §14-5.6(G).

(13) Plantings should be consistent with wildlife safety guidelines recommended by the City's Fire Department. (Ord. No. 2008-13 § 4)

(H) Terrain Management

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

As required by paragraph (C) above, natural topography, storm drainage, grading and erosion control plans shall be submitted by the applicant showing compliance with the terrain management requirements of §14-8.2.

(I) Utilities

(1) All new and replacement water, gas, electric, telephone, television, and all other utilities, including both main and service lines which service developments within the escarpment district, shall be placed underground within or adjacent to roads. Utilities shall be located in the following priority:

(a) Within a dedicated public road right-of-way;

(b) Within an easement of sufficient width to provide ingress and egress for maintenance purposes that is adjacent to a dedicated public right-of-way; or

(c) Within a private road right-of-way.

(2) Water service mains may be located outside road rights-of-way if required by change in water-pressure zone.

(3) Sewer lines outside road rights-of-way for both public and private use shall be located to minimize tree removal, to prioritize multiple-service lines in a common trench over single service mains to reduce the number of maintenance roads; and to prioritize gravity flow over lift stations. Public sewer line easements outside road rights-of-way are permitted when required by the City utility. All disturbed easements outside the road rights-of-way shall be reseeded and maintained at approximate original ground cover by the owner of the property to the approximate original height.

(4) All utilities shall be installed and maintained in accordance with the prevailing standards and practices of the City utility or other companies providing such services.



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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(5) Lots which abut existing easements, private road rights-of-way or public rights-of-way where supply lines and service connections have heretofore been installed may be supplied with service from those lines, but new service connections from such utilities shall be installed in accordance with the requirements of this section. In the case of existing utilities, if a road widening, an extension of service, or other similar condition occurs as a result of a subdivision or other new development and necessitates the replacement or relocation of such utilities, such replacement or relocation shall be located, installed, and maintained in accordance with the above paragraphs (1) through (4) of this section, and paid for by the applicant;

(6) The location of water, gas and sewer lines, and relocation of three phase 12.5 KV electric feeder lines, in a manner different from the requirements of this section is permissible if the applicant provides plans and reports certified by a licensed engineer showing the need to locate utilities in a manner different from the requirements of this section in order to protect the public health or safety.

(7) For service lines outside a right-of-way in or adjacent to a road, the placement of utilities shall be designed to lessen the visual impact, as follows:

(a) The utility alignments shall be carefully routed to avoid locations perpendicular to the horizons;

(b) All graded and trenched areas shall be regraded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape up to a maximum of 60 basal area as approved by the City, which shall include but not be limited to planting of trees and large shrubs with a minimum height of 6 feet and reseeding to approximate the original ground cover. The density may be further reduced when deemed necessary to reduce wildfire risk; and (Ord. No. 2004-43 §5; Ord. No. 2008-13 §5)

(c) All revegetation shall be maintained.

(8) Any utility apparatus (telephone junction boxes, gas pressure valving, satellite dishes, etc.) three feet or higher from finished grade (excluding utility poles), and all above ground water tanks, shall be screened year-round from the adjacent public street, way, or place. The screening to be utilized shall be shown on the landscape plan.

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(9) All street lighting in the district shall be "cut-off luminaires" with a maximum pole height of 28 feet.

(10) Water tanks are only permitted in the ridgetop subdistrict if they are placed below natural ground level. Water tanks located within the foothills subdistricts shall comply with the regulations of §§14-8.1 and 14-8.2. Access or service roads shall comply with landscape standards in paragraph (G) above.

(J) Driveways/Access Alignments

(Ord. No. 2006-55 § 11)

All driveway/access alignments within the ridgetop subdistrict of the Escarpment Overlay District, shall be located in the following priority:

- (1) Within a dedicated public road right-of-way;
  - (2) Within a private road right-of-way;
  - (3) Carefully routed to avoid locations perpendicular to the horizons; and
  - (4) Located to minimize tree removal.
- (K) Variances

(Ord. No. 2006-55 § 12)

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

(1) Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.

(2) In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.

(L) Effective Date

(Ord. No. 2006-55 § 13)

Amendments to the Escarpment Overlay District as set forth in Ordinance No. 2006-55 adopted September 13, 2006 shall become effective immediately and apply to building permits applications submitted after such date. However, if the design of the structure has been preapproved by the Land Use Department for compliance with the Escarpment Overlay District requirements and an application for the design of the structure has been submitted for approval to a City board or commission prior to adoption of said Ordinance, a building permit may be approved in compliance with the Escarpment Overlay District requirements in effect prior to said Ordinance. (Ord. No. 2007-45 § 30)

(Ord. No. 2001-38 §2)

#### 14-5.7 PUD PLANNED UNIT DEVELOPMENT DISTRICT

(A) Purpose and Intent

(1) This section is intended ~~It is the intent of this section to permit the creation of planned unit development-planned districts, each -conceived as a unit of for cohesive development and integrated uses in an area planned as a unit~~ in either a single development operation or a planned series of development operations that may take place over a period of several years. It is also intended to permit

**Comment [JBC60]:** Added in this language from former section (C)(6) below to make clear that phased development is permitted in PUD.

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and encourage innovative site planning and design to ensure that each planned unit development compatibly integrates with development on adjoining properties and creates an attractive, healthful, sustainable, and stable environment for living and working that is superior to the development attainable under existing zoning regulations.

~~The planned unit development procedure permit and encourage innovative design in architecture and site planning and greater efficiency in design of public facilities by providing:~~

**Comment [JBC61]:** Worked idea of "permit and encourage innovative design and site planning" into purpose and intent section above. Remainder need not be specified because development and design standards so flexible in PUD.

~~(a) — Variety in individual lot sizes;~~

~~(b) — Variety in housing types within a planned unit development;~~

~~(c) — Flexibility in location and use of open space;~~

**Comment [JBC62]:** Moved to end of standards section below...

~~(d) — Economical density or intensity of land use while preserving natural topography;~~

~~(e) — Unified architectural and landscape design with adjoining lands; and~~

~~(f) — Integrated circulation system separating vehicular and pedestrian traffic.~~

**Comment [JBC63]:** Leaving most design and development standards very flexible in PUD, so this sort of specificity no longer necessary. Also, made clear that terrain management and mountainous and difficult terrain standards are variable to keep natural topography idea included. Further, master plan requirement of "Ingress and egress to public streets, existing and proposed vehicular, bicycle, pedestrian circulation systems including possible parking locations and access to public transit..."

~~(22)~~ It is the further intent dedt that PUD regulations in this section and throughout this chapter shall of this section to accomplish the purposes of land use public regulation to the same degree that as existing zoning regulations ~~requirements~~ do in cases where planning and development are not on a unified basis.

#### (B) Land Eligible

A PUD district may overlay any zoning district or any portion thereof, so long as consistent with existing plans for streets, utilities, parks, and other uses and structures.

#### (C) Rezoning Requirements

**Comment [CLG64]:** suggested language "Property is eligible for rezoning to PUD if the property is a minimum of two acres in size, provided all other requirements of this chapter are satisfied." removed per 6/19/09 PC Subcomm meeting

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

Any application for PUD rezoning shall be accompanied by a master plan and other related documents reasonably necessary to determine compliance with this chapter as may be required by the Land Use Director.

**Comment [JBC65]:** See previous comment...

(D) ~~B~~ Use s-Classification

Uses in the PUD Permitted principal and accessory uses and structures, special exceptions and prohibited uses and structures are the same as in the underlying existing zoning districts, which the planned unit development district overlays. The PUD classification shall be attached to the respective zoning district upon approval of the PUD by the Governing Body, and as so designated on the official zoning map.

**Comment [JBC66]:** Moved to 14-3.5...

(E) ~~E~~ Standards and Guidelines for Planned Unit Development

The development, design, and landscaping standards permitted in the PUD may vary from the development, design, and landscaping standards of the underlying district, provided that:

1) Findings of fact are made that such variation:

- a. meets the PUD purpose and intent set forth above by creating a unified development, superior to what would otherwise be attainable,
- b. is appropriate in relation to the overall development, and
- c. minimizes the impact on surrounding properties; and

2) The following limitations are adhered to:

- a. The density of population and intensity of land use permitted by the underlying zoning district shall be the overall density and intensity in the PUD. So long as the overall PUD density and intensity remain unchanged, the density and intensity of different local sites within the PUD may vary;
- b. Park land shall be dedicated as required by the underlying district. If land is not so dedicated, an impact fee shall be collected by the City as required by §14-8.14. Common open space may be used to meet these park dedication requirements; and
- The open space requirements of the underlying district shall be the overall open space requirements in the PUD. So long as the overall PUD open space remains unchanged

**Comment [JBC67]:**  
Should we provide an example of exactly what this means? Greg... is there such an example?

**Comment [JBC68]:** Former section (H) below had §14-9.3(b) cited, but this section is repealed? Impact fees information now in §14-8.14.

**Comment [JBC69]:** Moved from former section (H) below altogether... Greg Smith concurred that the existing park dedication requirements of the underlying district should apply.... Chris -- Do we even need to specify about the impact fee here or that common open space may be used to meet the park dedication requirements? Shouldn't this all be part of the park dedication and open space requirements of 14-8?

**Comment [CLG70]:** removed at staff request (GTS) because repetitious of 14-8.

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~and the open space configuration is integrated and connected, flexibility in location and use of open space is permitted.~~

**Comment [CLG71]:** removed at staff request (GS) because no policy to provide more protection than other standards

Examples of the development, design, and landscaping standards variable in the PUD include, but are not limited to: lot size, housing type, housing configuration, yards/setbacks, height, lot coverage, distance between buildings, terrain management, and mountainous and difficult terrain.

Where no variation of a development, design, or landscaping standard has been approved, the development, design, or landscaping standard at issue shall be the same as in the underlying district.

(1) ~~The location and design of the planned unit development shall be consistent with the comprehensive General Plan and with other plans for streets, utilities, parks, and other uses and structures.~~

**Comment [JBC72]:** Consistency with General Plan already required by 14-3.5 in all rezonings...

**Comment [JBC73]:** Moved to "land eligible" section...

(2) ~~It is intended that the location and design of the planned unit development ensure its compatible integration with development on adjoining properties and create an attractive, healthful and stable environment for living or working that is superior to the development attainable under existing zoning regulations.~~

**Comment [JBC74]:** Moved to purpose and intent section...

(3) ~~The density of population and intensity of land use permitted by the zoning districts overlaid by the planned unit development district shall be the basis for determining the overall density of population and intensity of land use in a planned unit development.~~

**Comment [JBC75]:** Moved to top of standards section...

(4) ~~The dedication of land for public use and the reservation of land for common use in a planned unit development shall be undertaken as follows:~~

(a) ~~Either each phase of the development shall have its streets, parking areas, recreation open space, and the other public common use areas according to the phasing schedule of that plan; or~~

(b) ~~Public and common use areas for the ultimate development shall be dedicated in the initial phase of the development plan.~~

**Comment [JBC76]:**  
No different from dedication procedure in other phased districts... Should be moved to dedication regulations (14-8.15) or 14-3.8... Indicated accordingly...

Text: Underline = New Material; ~~Black Strikethrough~~ = Removed Material (color depends on drafter)

Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~(5) — Planned unit development shall be preserved in such ownership or control as to ensure the continued maintenance of private common use areas, such as open space, private drives, walks, parking areas, and other common facilities, by the devices of deed restrictions or covenants, homeowners' association or nonprofit institutions.~~

**Comment [JBC77]:** If appropriate to have in code, then should be somewhere it has broader applicability to planned developments – but where – open space/common space requirements 14-8.4? -- dedication section 14-8.15? -- a new section of 14-8 for planned developments? Indicated accordingly...

~~(6) — A planned unit development shall be defined as meeting all of the following requirements:~~

~~(a) — It shall be development of land under unified control, planned and scheduled to be developed as a whole;~~

~~(b) — It shall be in a single development operation or a planned series of development operations, including all lands and buildings;~~

**Comment [JBC78]:** This is the one prong of the "definition" of PUD provided here that is both definitional and contains useful information. Moved ability to develop in phases to purpose and intent section...

~~(c) — It shall be for integrated projects, planned as a whole, and including but not limited to dwellings and related facilities, traveler services, commercial centers, industrial parks and urban renewal projects;~~

**Comment [JBC79]:** Deleted. This attempt to list the types of projects suitable for a PUD is just confusing. Seems to inadvertently impose limits on types of projects allowed...

~~(d) — It shall be according to comprehensive and detailed plans, which include streets, utilities, lots or building sites, site plans, for all buildings as intended to be located, constructed, used and related to each other, detailed plans for other uses and improvements on the lands and other submittals as may be required by the Land Use Department; and~~

**Comment [JBC80]:** Barely definitional. More like plan content... All items already represented in 14-3.8 general dev. plan requirements...

~~(e) — It shall be according to a program to provide, operate and maintain such areas, facilities and improvements as will be for common use by some or all of the occupants of the development, but which will not be provided, operated or maintained at general public expense.~~

**Comment [JBC81]:** Should be moved to section detailing maintenance, etc. in planned developments... Indicated accordingly...

~~(D) — Lands to Be Considered for Planned Unit Development Rezoning~~

~~A planned unit development proposal may be submitted for any zoning district, and, if approved, shall be designated PUD \_\_\_\_\_, with the zoning district abbreviation indicated in the blank. The planned unit development shall have the effect of overlaying the zoning district, maintaining the same uses, but substituting regulations based on a plan for unified development.~~

**Comment [JBC82]:** Moved to "land eligible" section above...

**Comment [JBC83]:** Indicated in 14-3.5...

**Comment [JBC84]:** Duplicative of "uses" section...

**Comment [JBC85]:** Moved to "standards" section...

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Comments: **Green** is explanatory; **Blue** is for discussion; **Red** is issue remaining to be addressed

~~(E) — Terrain Management Requirements~~

~~In PUD districts, terrain management plans, as required by §14-8.2, shall be submitted. Plans shall show compliance with terrain management standards.~~

**Comment [JBC86]:** Unnecessary... broad applicability of terrain management regulations clear in 14-8.2...

~~(F) — Minimum Open Space and Buffer Requirements~~

~~In PUD districts the minimum open space and buffer requirements shall be as per the underlying district.~~

**Comment [JBC87]:** Conflicts DIRECTLY with purpose and intent section's claim of providing flexibility in open space, etc.  
Deleted.  
Tried to combine underlying district requirements and flexibility in landscaping section above...

~~(G) — Minimum Lot Area~~

~~The minimum lot area for single family structures is as set forth for the underlying zoning.~~

**Comment [JBC88]:**  
This conflicts DIRECTLY with purpose and intent section's claim of providing "variety in individual lot size"!!  
Deleted  
New standards for lot size provided in subsection (4) above.

~~(H) — Park Dedication~~

~~In PUD districts, land shall be dedicated in the amount of five acres per 1,000 residents, or a fee in lieu of land shall be paid to the City as required by §14-9.3(B). Common open space may be used to meet the park dedication requirements as prescribed by the aforementioned sections. Land may be dedicated to the City or to the homeowners' association or it may be held and maintained by the owner of rental housing developments.~~

**Comment [JBC89]:** The five acres per 1000 residents figure is different from the general park dedication requirements in 14-8.15, i.e. – three acres of neighborhood parks per 1000 residents, 12 acres of regional parks per 1000 residents...  
GSmith said there's no reason for the difference and that the existing park dedication requirements should apply...  
Altogether moved to "standards" section...

~~(I) — Rezoning to Planned Unit Development (PUD) District~~

~~Rezoning to Planned Unit Developments shall follow the general rezoning procedure set forth in §14-3.5, as well as the specific provisions set forth in this section. In the case of any conflict, the provisions of this section control.~~

**Comment [JBC90]:** If this is appropriate to have in the code, makes more sense to have in the dedications section, maybe in a subsection about PRC, PRRC, and PUD?  
Indicated accordingly...  
Already in open space section 14-8.4(H)(1)(b)(v)...

~~(1) — Materials to Be Submitted with Preliminary Application~~

~~Any application for rezoning to a PUD shall be accompanied by an application, preliminary development plan, and other supporting materials as specified in the user's guide, and also any other information as requested by the Planning Commission.~~

**Comment [JBC91]:** Moved to standards section above...

**Comment [JBC92]:** All of the procedure from this subsection (I) moved to 14-3.5 and/or 14-3.8...

**Comment [JBC93]:** Moved this idea to beginning of 14-5 because applies to all overlay rezonings...

**Comment [JBC94]:** No such thing...



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~~(2) Processing Preliminary Applications~~

~~(a) When a preliminary application has been filed, the Planning Commission shall review it for compliance with the requirements of this chapter, including the subdivision regulations and shall make a finding as to whether the proposed change is in accordance with the objectives of the City's General Plan. In the course of such review, the Planning Commission may suggest changes in the preliminary plan as a condition of Planning Commission approval.~~

~~(b) The Planning Commission shall then transmit the application and the preliminary plan to the Governing Body, together with a recommendation as to approval, disapproval, desirable changes and special conditions and safeguards, which recommendations may include suggested time limits within which all construction or specified stages of construction, or both, shall be started or completed.~~

~~(3) Procedure for Preliminary Development Plan~~

~~(a) After the Governing Body has approved preliminary plans with such change and conditions and safeguards as the Governing Body may have included in the amendment, the official zoning map shall be amended to designate as a "\_\_\_\_\_ PUD district" (with the existing zone district abbreviation indicated in the blank) the tract covered by the preliminary development plan.~~

**Comment [JBC96]:** Moved to 14-3.5...

~~(b) The preliminary development plan shall indicate all fee simple lots. Where fee simple lots are indicated, the preliminary development plan shall also be considered the preliminary subdivision plat with all required submittals.~~

**Comment [JBC97]:**  
Eliminating prelim. dev. plans and prelim. subdiv. plans generally...  
Also, showing all fee simple lots is a subdivision plat requirement. Likely listed here because goes on to say that prelim. dev. plan shall also be considered prelim. subdiv. plat.  
14-3.8 already makes clear that dev. plans and subdiv. plats are interchangeable, so long as they meet all the requirements of the other...

~~(4) Procedures for Review of Final Development Plan and Deviations~~

~~(a) The applicant shall prepare a final development plan to be followed in construction operations, and submit it to the Planning Commission for approval, together with final drafts of all agreements, contracts, deed restrictions and other legal instruments pertinent to the implementation of the~~

**Comment [JBC98]:** Already in 14-3.8...

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development plan. The final development plan may be submitted separately for the first and each successive stage of development.

**Comment [JBC99]:** This language should be somewhere that gives it broader applicability... Similar provision in 14-7.2 – note 11? 14-7.1(B)(1)(e)... Indicated accordingly...

(b) — The final development plan, or successive phases thereof, shall be approved by the Planning Commission. It becomes the final subdivision plat, shall meet all the requirements of the final subdivision plat as specified in the City's land subdivision regulations, and shall be the basis for issuance of zoning and building permits and for acceptance of public dedications. The signed original of the final development plan shall be filed with the Public Works Department.

**Comment [JBC100]:** Already in 14-3.8...

(c) — The final development plan shall show with appropriate dimensions the location and size of buildings including building setbacks from lot lines or adjoining streets.

**Comment [JBC101]:** Already in 14-3.8...

(d) — When application for building permits is made, minor deviations from the approved final development plan, in siting, orientation and size of buildings, may be approved by the Land Use Department at their discretion provided that:

**Comment [JBC102]:** Already default dev. plan req. in 14-3.8...

(i) — All conditions of PUD approval have been met;

(ii) — The developer submits, with the building permit application, an "as built" final development plan which accurately shows the location, dimensions and orientation of all existing structures, including those for which permits have been or are being requested. This "as built" final development plan shall be completed for each approved stage of development. Partial plats or drawings showing less than an approved stage of the final development plan will not be accepted; and

(iii) — No reduction in approved building setbacks shall be approved administratively, but shall be considered a major deviation as set forth below.

(e) — Any major deviations from the approved final development plan, including reduction in building setbacks, shall be approved by the Planning Commission at a public hearing. The property of the applicant shall be posted as set forth in §14-3.1(H)(1)(a)(ii). In addition, the applicant shall notify adjacent property owners as set forth in §14-3.1(H)(2). However, changes increasing the density or

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~~intensity of building on the development plan shall be considered to be a rezoning. In this case, the procedures set forth in paragraphs (1)(1) through (4) of this section shall apply.~~

(5) ~~Time Limits and Standards on Rescission of PUD Zoning and Development Plans~~

**Comment [JBC103]:** Moved to dev. plan revision authority section of 14-3.8... may have applicability beyond PUD dev. plans?

(a) ~~All development zoned PUD shall be reviewed by staff after a period of 12 months to determine if any substantial and continuing construction has occurred at the development. If no substantial and continuing construction has occurred, then the Planning Commission and the Governing Body, upon the recommendation of the Planning Commission, may grant one extension of time not to exceed 12 months. In order for this extension to occur, the applicant must have made application prior to the end of the 12-month period.~~

**Comment [JBC104]:** GSmith comment to standardize various expiration provisions. So deleting from here and expanding on dev. and master plan expiration provisions in 14-3.8 and rezoning expirations in 14-3.5... considering creating new expiration section altogether at end of 14-3... 14-3.18?... since applies to dev. plans, master plans, variances, conditional uses, and minor approvals...

(b) ~~After the first 12-month extension period is complete, staff shall again review the project. If no substantial and continuing construction has yet occurred, then the Planning Commission may recommend to the Governing Body whether the zoning and development plans shall be rescinded or whether the development plan only shall be rescinded.~~

**Comment [JBC105]:** 14-3.8 dev. plan rescission section already exists (with some differences which will now apply to PUD's as well, e.g. -- staff to review every 24 months for substantial and continuing construction, if not then plan expires, PC or LU Director may extend for 18 months, application for extension required 90 days before expiration date...) May still be subject to change...

(c) ~~In deciding that the zoning and the development plan shall be rescinded, the committee shall determine that the PUD zoning does not comply with the General Plan, or the PUD zoning does not meet the criteria of §14-3.5(C). Procedures for the rescission of the zoning shall be the same as those set forth in §14-3.5, except that City staff shall carry out the procedures.~~

**Comment [JBC106]:** Incorporated into 14-3.8 dev. plan rescission section.

**Comment [JBC107]:** GSmith comment: should be 14-3.5(D). Noted as much in 14-3.5...

(d) ~~In deciding that the development plan only should be rescinded, the committee shall determine that:~~

**Comment [JBC108]:** Procedure for rescinding rezoning approval has greater applicability than just to PUD. Moved to 14-3.5 rezoning procedure section...

(i) ~~City zoning ordinances have changed since the approval for the development plan, making it nonconforming;~~

(ii) ~~Market or neighborhood conditions have changed, making the plan inappropriate; or~~

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~~(iii) — There is no sign that the development plan will be implemented or that substantial and continuing progress will be made on the project within the next 12 months.~~

~~(e) — The Planning Commission may rescind the development plan, following the procedures for adoption of a development plan set forth in §14-3.8.~~

~~(f) — Paragraphs (a) through (e) above apply to PUD rezonings prior to December 31, 1992. PUD rezonings completed after December 31, 1992 shall be reviewed as per §14-3.5. (Ord. No. 2002-37 § 39)~~

~~(6) — Variances from Underlying Zoning (Ord. No. 2002-37 § 40)~~

~~For all projects in PUD districts, any variances from the underlying zoning shall be set forth as a condition of the rezoning and written as a note on the development plan.~~

**Comment [JBC109]:** Moving to 14-3.8 section on expiration/rescission of dev. plans...

**Comment [JBC110]:**  
Not even GSmith certain that no ongoing PUD project received approval prior to 12/31/92.  
So this provision apparently needs to remain alive...  
But moving it to section on expiration/rescission...

**Comment [JBC111]:** Clarion -- need to clarify when PUDs can depart from general standards.  
Clarified in standards section above and in 14-3.8. Standards left deliberately flexible in PUD. Where no variation requested and approved at either master plan or development plan stage, standards of underlying district apply and cannot be exceeded without variance....

**Comment [JBC112]:**  
Procedures for requesting and recording approved variances should be in one centralized location -- 14-3.16...  
Standards in PUD with built-in flexibility (see standards section above) would be listed on density/intensity table of master plan or phase development plan...

**Comment [JBC113]:** This has broader applicability than to just the PUD and definitely does not belong here. Already default requirement on both dev. plans and master plans... 14-3.8  
**But how do we keep track of variances/conditional uses granted when there's no plan submittal requirement? No independent plan submittal requirement for variance applications... perhaps a City database issue...**

**Comment [JBC114]:** Should not be separate overlay district. Raises spot-zoning concerns.  
Simply a conditional use in SC-1 and SC-2. Standards to be listed in 14-6.2...  
Existing RS overlay districts will be grandfathered in and continue to be regulated by approved development plans and former RS regulations... indicated as much in 14-3.8...  
only one current RS overlay district, so shouldn't come up very often...

**Comment [JBC115]:** This will be evident in 14-6 use table...

#### 14-5.8 RESIDENTIAL SUITE HOTEL/MOTEL OVERLAY DISTRICT

##### (A) — Purpose and Intent

~~It is the intent of the RS residential suite hotel/motel overlay district to provide a means whereby a residential suite hotel or motel can be approved for development in an SC-1 or SC-2 zone and to provide criteria for development of such residential suite hotels and motels in conjunction with the planned shopping centers in SC-1 and SC-2 districts.~~

##### (B) — Applicability

~~An RS district may be established only on property located within either an SC-1 or SC-2 district.~~

##### (C) — Permitted Principal Uses and Structures

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(1) ~~Property in an RS district shall be used for a residential suite hotel or motel or for any other use permitted in the SC zoning applicable to the property.~~

~~However, under no circumstances shall an eating or drinking establishment be part of a residential suite hotel or motel.~~

**Comment [JBC116]:**  
Moved to 14-6.2...

(2) ~~No special exceptions or accessory uses shall be allowed except those authorized in the SC district applicable to the property. Except as otherwise provided herein, property which is included in an approved RS overlay district shall comply with all requirements of the SC districts.~~

**Comment [JBC117]:** Moved to 14-6.2...

#### (D) ~~Development Standards~~

The following development standards shall apply to all uses and structures in an RS district unless more stringent requirements are imposed by the applicable SC zoning, in which case the more restrictive requirements shall apply:

(1) ~~—~~

(1) ~~Maximum lot coverage shall not exceed 40 percent.~~

**Comment [JBC118]:** Moved to 14-6.2...

(2) ~~All buildings shall be set back no less than 30 feet from any adjoining residential district.~~

**Comment [JBC119]:** Did NOT move to 14-6.2... doesn't make sense if no longer talking about separate district... Open space regs for SC district will apply.

(3) ~~The minimum open space requirement in RS districts is 25 percent of the total lot area. Open space shall meet the requirements of § 14-8.4(H).~~

**Comment [JBC120]:** Duplicative if all standards of underlying district apply... 14-8.4 is already clear that the landscaping standards apply broadly, e.g. -- to all applications for development plan approval...

(4) ~~The number of hotel or motel residential suite units shall not exceed 29 per acre.~~

**Comment [JBC121]:** Moved to 14-6.2... "no more than 29 guest rooms per acre..."

(5) ~~The maximum size of the land in an RS district, including all structures, circulation, parking and open space in the RS district, shall not exceed 49 percent of the entire SC district, and not less than five acres of land shall be used for permitted uses of the SC district other than a residential suite hotel or motel.~~

**Comment [JBC122]:** Moved first half of provision to 14-6.2, but not second half which doesn't make sense if RS is no longer a separate district...

(6) ~~Maximum height of all structures in an RS district shall be 35 feet unless otherwise restricted by this chapter.~~

**Comment [JBC123]:** Unclear why height restriction is 35 in both SC-1 and SC-2, given that normally height restriction in SC-1 is 35 but in SC-2 is 45. Why wouldn't you allow residential suites to be as tall as other SC buildings in area? Did NOT move height restriction to 14-6.2, since height restrictions of SC-1 and SC-2 will automatically apply to residential suite conditional uses...

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(E) ~~Any land which is zoned SC 1 and SC 2 shall be eligible for supplemental zoning designation as an RS overlay district through a rezoning action on a case by case basis pursuant to the procedures set forth in §14-3.5. Application for RS overlay district shall be accompanied by a development plan. The development plan shall be in compliance with this section in addition to meeting applicable SC standards. No building permit shall be issued for any structure not in conformity with the approved development plan. Nothing herein shall be construed to prevent a joint application for SC and RS zonings.~~

~~{Ord. No. 2002-37 § 41}~~

**Comment [JBC124]:** Unnecessary if making residential suite hotel/motel a conditional use in SC-1 and SC-2...

**Comment [JBC125]:** Maybe we should require a dev. plan for each variance and conditional use application... or can make RS-CU a dev. plan trigger. But requiring dev. plan for each variance and conditional use would at least ensure such approvals were indicated somewhere, even when project otherwise doesn't trigger dev. plan requirements...

**Comment [JBC126]:** Unnecessary and duplicative...

**Comment [JBC127]:** Duplicative of 14-3.10(A)(2)...

**Comment [JBC128]:** Unnecessary if making conditional use...

#### 14-5.98 ER ECOLOGICAL RESOURCE PROTECTION OVERLAY DISTRICT

##### (A) Purpose and Intent

The ecological resource protection overlay district is established in order to:

- (1) Protect the ecological resources of the City of Santa Fe;
- (2) Provide trail access to city-owned open spaces for the enjoyment and recreation of all Santa Fe citizens;
- (3) Ensure, maintain and enhance water quality and quantity into the future by protecting groundwater recharge rates;
- (4) Protect the quantity and contiguity of wildlife habitat;

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(5) Ensure protection from noise pollution caused by high speed, limited access highways and other land use operations; and

~~(6) Ensure compliance with federal regulations including the Clean Water Act and the Endangered Species Act.~~

**Comment [JBC129]:** Compliance with fed regs is always required. Doesn't have to be mentioned in code...

(B) Land Eligible Boundaries

Land eligible for rezoning to ER this overlay district include:

(1) The areas shown on the General Plan Future Land Use Map designated as "Open Space;"

(2) Areas within one percent chance event floodplain;

(3) Other important natural drainage areas and wildlife habitat;

(4) ~~Critical "Required" setbacks in the Metro Area Highway Plan (City Resolution #2000-44) adopted Highway Corridor Plan~~ based on noise study determining the 65 Leq dBA noise contour projected for the year 2020; and

**Comment [CLG130]:** deletion rejected to distinguish between required and desired setbacks

**Comment [JBC131]:** Reed Liming (x6610) explained that this refers to the Metro Area Highway Plan, dated 4/23/99, and adopted by joint City-County resolution in 2000 (#2000-44). It was never adopted by City ordinance, however...

(5) Other areas identified by a resolution of the Governing Body as meeting the purpose and intent of this section.

(C) ~~Functions and Activities~~ Uses

The permitted functions and activities principal and accessory uses in the ER district are those consistent with the following:

**Comment [JBC132]:** Changed from "Uses" to "Functions and Activities" because not really "uses" as the term is used in CH14, i.e. – the enumerated items are not reflected anywhere in 14-6.1 use table.

(1) Development of hike/bike/equestrian trails and limited, passive recreation activities;

**Comment [CLG133]:** changed back at staff (GTS) request

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(2) Ecological resource restoration, as defined in §14-12, designed to increase the natural and beneficial function of the affected area including increasing wildlife habitat area, increasing the contiguity of wildlife habitat, increasing the variety and number of native plant species, increasing aquifer recharge rate, controlling erosion, flood management, or increasing water quality;

(3) Crossings required to meet community transportation goals, especially where the intent is to provide safety in terms of Fire and Police Department access. Such crossings shall be designed to have the minimum impact on the ecological resource;

(4) City of Santa Fe park maintenance facilities and activities; and

(5) Other public uses that are deemed necessary by the Planning Commission to provide for the health, safety and welfare of the community.

#### ~~Applicability of Standards~~

~~Development in existence at the time of rezoning to this district is exempt from these regulations.~~

(D) Standards

(1) Development, including earth moving activities, shall meet all ~~relevant~~ other code requirements; and shall be limited to: and

(2) Development in existence at the time of rezoning to ER is exempt from these regulations.

~~(1) Development of hike/bike/equestrian trails and limited, passive recreation activities;~~

~~(2) Ecological resource restoration, as defined in §14-12, designed to increase the natural and beneficial function of the affected area including increasing wildlife habitat area, increasing the~~



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~~contiguity of wildlife habitat, increasing the variety and number of native plant species, increasing aquifer recharge rate, controlling erosion, flood management, or increasing water quality;~~

~~(3) — Crossings required to meet community transportation goals, especially where the intent is to provide safety in terms of Fire and Police Department access. Such crossings shall be designed to have the minimum impact on the ecological resource;~~

~~(4) — City of Santa Fe park maintenance facilities and activities; and~~

~~(5) — Other public uses that are deemed necessary by the Planning Commission to provide for the health, safety and welfare of the community.~~

~~(Ord. No. 2006-61 § 2)~~

~~\*Editor's Note: Exhibit "H", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC134]:** This map (Mountainous or Difficult Terrain) ISN'T referred to herein...? And is now Exhibit G! Needs to be referenced and incorporated somewhere...

~~\*Editor's Note: Exhibit "D", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC135]:** Included as footnote at appropriate point in text...Historic Districts map now Exhibit C!

~~\*Editor's Note: The map referred to herein may be found in the Appendix at the end of this chapter as Exhibit E.~~

**Comment [JBC136]:** This map (HDRB Authority Re: Structure Heights) ISN'T referred to herein...? And is now Exhibit D! Needs to be referenced and incorporated somewhere...

~~\*Editor's Note: Exhibit "F", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC137]:** Included as footnote at appropriate point in text... Archaeological Districts map now Exhibit E!

~~\*Editor's Note: Exhibit "G", referred to herein may be found in the Appendix at the end of this chapter.~~

**Comment [JBC138]:** Included as footnote at appropriate point in text... SCHC map now Exhibit F!